

Exhibit J - Deposition of
LVMPD investigating officer
Det. Trevor Alsup

DETECTIVE TREVOR ALSUP

June 15, 2018

1 REPORTER'S CERTIFICATE

2

3 STATE OF NEVADA)
4 COUNTY OF CLARK) ss.

5

6 I, KENDALL KING-HEATH, CCR No. 475, a
7 Certified Court Reporter for the State of Nevada,
do hereby certify:

8 That I reported the taking of the
9 deposition of the witness, DETECTIVE TREVOR ALSUP,
commencing on the 15th day of June, 2018, at the
10 hour of 10:12 a.m.

11 That prior to being examined, the witness
was duly sworn by me to testify to the truth, the
12 whole truth, and nothing but the truth.

13 That I thereafter transcribed my said
shorthand notes into typewriting and that the
14 typewritten transcript of said deposition is a
complete, true and accurate transcription of my
15 said shorthand notes taken down at said time, and
that a request has been made to review the
16 transcript.

17 I further certify that I am not a relative
or employee of an attorney or counsel of any of the
18 parties, nor a relative or employee of any attorney
or counsel involved in said action, nor a person
19 financially interested in the action.

20 IN WITNESS WHEREOF, I have hereunto
set my signature this 2nd day of June, 2018.

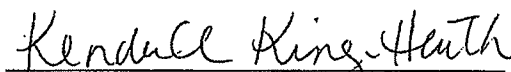
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KENDALL KING-HEATH
CCR No. 475

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ESTATE OF TASHI S. FARMER)
a/k/a TASHII FARMER a/k/a)
TASHII BROWN, by and through)
its Special Administrator,)
Lorin Michelle Taylor,)
et al.,,)

Plaintiffs,)

vs.)

Case No.
2:17-cv-01946-JCM-PAL

LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT, a political)
subdivision of the State of)
Nevada; OFFICER KENNETH)
LOPERA, individually and in)
his Official Capacity;)
SERGEANT TRAVIS CRUMRINE,)
individually and in his)
Official Capacity; OFFICER)
MICHAEL TRAN, individually)
and in his Official Capacity;)
OFFICER MICHAEL FLORES,)
individually and in his)
Official Capacity; and)
Does 1 through 50, inclusive,)

Defendants.)

VIDEO DEPOSITION OF

DETECTIVE TREVOR ALSUP

FRIDAY, JUNE 15, 2018

LAS VEGAS, NEVADA

Reported by: KENDALL KING-HEATH, NV. CCR No. 475
CA. CSR No. 11861

Job: 28457

DETECTIVE TREVOR ALSUP

June 15, 2018

Page 2	Page 4
<p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF NEVADA</p> <p>3</p> <p>4 ESTATE OF TASHI S. FARMER)</p> <p>5 a/k/a TASHII FARMER a/k/a)</p> <p>6 TASHII BROWN, by and through)</p> <p>7 its Special Administrator,)</p> <p>8 Lorin Michelle Taylor,)</p> <p>9 et al.,)</p> <p>10)</p> <p>11 Plaintiffs,)</p> <p>12)</p> <p>13 vs.) Case No.</p> <p>14) 2:17-cv-01946-JCM-PAL</p> <p>15)</p> <p>16 LAS VEGAS METROPOLITAN POLICE)</p> <p>17 DEPARTMENT, a political)</p> <p>18 subdivision of the State of)</p> <p>19 Nevada; OFFICER KENNETH)</p> <p>20 LOPERA, individually and in)</p> <p>21 his Official Capacity;)</p> <p>22 SERGEANT TRAVIS CRUMRINE,)</p> <p>23 individually and in his)</p> <p>24 Official Capacity; et al.,)</p> <p>25 Defendants.)</p> <p>DEPOSITION OF DETECTIVE TREVOR ALSUP, taken on behalf of Plaintiff, commencing on Friday, June 15, 2018, at 10:12 a.m. at the offices of Callister Law Group, 330 East Charleston Boulevard, Suite 101, Las Vegas, Nevada, taken before Kendall King-Heath, Certified Court Reporter, Certificate No. 475, in and for the State of Nevada.</p>	<p>1 INDEX</p> <p>2</p> <p>3 EXAMINATION</p> <p>4 WITNESS PAGE</p> <p>5 DETECTIVE TREVOR ALSUP</p> <p>6 By Mr. Sayre 6</p> <p>7 By Mr. McNutt 77</p> <p>8 Further By Mr. Sayre 125</p> <p>9 Further By Mr. McNutt 131</p> <p>10</p> <p>11</p> <p>12 EXHIBITS</p> <p>13 Exhibit Description Page</p> <p>14 Exhibit A Arrest Report 16</p> <p>15</p> <p>16</p> <p>17 INFORMATION TO BE PROVIDED PAGE LINE</p> <p>18 55 10</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 APPEARANCES OF COUNSEL:</p> <p>2 For the Plaintiff:</p> <p>3 FEDERICO C. SAYRE, ESQ.</p> <p>4 ABIR COHEN TREYZON SALO, LLP</p> <p>5 1901 Avenue of the Stars</p> <p>6 Suite 935</p> <p>7 Los Angeles, CA 90067</p> <p>8 (424) 288-4367</p> <p>9 fsayre@actslaw.com</p> <p>10</p> <p>11 For the Defendants</p> <p>12 Las Vegas Metropolitan</p> <p>13 Police Department,</p> <p>14 Sergeant Travis Crumrine,</p> <p>15 Officer Michael Tran, and</p> <p>16 Officer Michael Flores:</p> <p>17</p> <p>18 CRAIG R. ANDERSON, ESQ.</p> <p>19 MARQUIS, AURBACH, COFFING</p> <p>20 10001 Park Run Drive</p> <p>21 Las Vegas, Nevada 89145</p> <p>22 (702) 382-0711</p> <p>23 canderson@macclaw.com</p> <p>24</p> <p>25 For the Defendant:</p> <p>Officer Kenneth Lopera:</p> <p>21 DANIEL R. McNUTT, ESQ.</p> <p>22 MATTHEW WOLF, ESQ.</p> <p>23 McNUTT LAW FIRM, P.C.</p> <p>24 625 South Eighth Street</p> <p>25 Las Vegas, NV 89101</p> <p>(702) 384-1170</p> <p>drm@mcnuttllawfirm.com</p> <p>ALSO PRESENT:</p> <p>Tom Burtney, Court Videographer</p>	<p>1 LAS VEGAS, NEVADA</p> <p>2 FRIDAY, JUNE 15, 2018</p> <p>3 -o0o-</p> <p>4 THE VIDEOGRAPHER: Good morning. Here</p> <p>5 begins media No. 1 of the deposition of Las Vegas</p> <p>6 Metropolitan Police Department Detective Trevor</p> <p>7 Alsup, in the matter of The Estate of Tashii S.</p> <p>8 Farmer, et al., et cetera, versus Las Vegas</p> <p>9 Metropolitan Police Department, et al. This case</p> <p>10 is in the United States District Court, District of</p> <p>11 Nevada. The case number is 2:17-cv-01946-JCM-PAL.</p> <p>12 Today's date is June the 15th, 2018, and</p> <p>13 the time is 10:12 a.m. This deposition is taking</p> <p>14 place at 330 East Charleston Boulevard, Suite 100,</p> <p>15 in Las Vegas, Nevada.</p> <p>16 The videographer is Tom Burtney,</p> <p>17 appearing on behalf of First Legal Deposition</p> <p>18 Services. Would counsel please identify yourselves</p> <p>19 and state whom you represent.</p> <p>20 MR. SAYRE: For the plaintiffs, Federico</p> <p>21 Sayre.</p> <p>22 MR. McNUTT: Dan McNutt and Matt Wolf on</p> <p>23 behalf of Ken Lopera.</p> <p>24 MR. ANDERSON: Craig Anderson on behalf</p> <p>25 of Las Vegas Metropolitan Police Department,</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 6</p> <p>1 Sergeant Travis Crumrine, Officer Tran, and Officer 2 Flores. 3 THE VIDEOGRAPHER: The reporter today is 4 Kendall Heath with First Legal Deposition Services. 5 Would the reporter please swear in the 6 witness. 7 Thereupon, 8 DETECTIVE TREVOR ALSUP, 9 called as a witness by the Plaintiff 10 having been duly sworn, testified as 11 follows: 12 EXAMINATION 13 BY MR. SAYRE: 14 Q. Detective Alsup, my name is Fred Sayre. 15 I introduced myself prior to the deposition to you, 16 and I also gave you a copy of an arrest report; 17 correct? 18 A. Correct. 19 Q. And I indicated that I would be asking 20 you questions about that arrest report here today. 21 You understood that? 22 A. Yes, sir. 23 Q. All right. You've just been sworn to 24 tell the truth by the court reporter, who is 25 authorized to administer that oath by the court.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Please wait until I've finished my 2 question before you start your answer. And I'll 3 give you the same courtesy, I'll wait until you 4 finish your answer before I start my next question. 5 It's too difficult for the court reporter to take 6 down two people who are speaking at the same time. 7 Do you understand that? 8 A. Yes, sir. 9 Q. Just as you've been doing very nicely up 10 until now, please continue to answer out loud. 11 Such common expressions such as uh-huh, uh-uh, or 12 nods of the head or shakes of the head are too 13 difficult to interpret, so please avoid those. 14 Will you do that, please? 15 A. Yes, sir. 16 Q. This is not expected to be a lengthy 17 deposition; however, if at any time you wish to 18 take a break, please just indicate you do, and your 19 request will be honored. Will you do that, 20 please? 21 A. Yes, sir. 22 Q. During the course of deposition I may ask 23 you questions that have to do with time or 24 distance. You may or may not have an exact answer 25 to the question, but you may have an estimate. If</p>
<p style="text-align: right;">Page 7</p> <p>1 Although we're sitting here somewhat 2 informally in this conference room, do you 3 understand that oath is as binding on you here as 4 if we were in a courtroom of law? 5 A. Yes, sir. 6 Q. Everything that is said here today will 7 be taken down by the court reporter, and in a 8 couple of weeks she'll have it typed up into a 9 booklet form. And you'll be given the opportunity 10 to read, review, and if you wish, make any changes 11 or corrections to your testimony here today. Do 12 you understand that? 13 A. Yes, sir. 14 Q. However, I caution you that to use that 15 sparingly, if you would. Try to give your best 16 responses here today. Will you do that, please? 17 A. Yes, sir. 18 Q. If you don't understand a question that 19 I've asked you, please don't answer it. Ask me to 20 repeat it, rephrase it, or in some way indicate 21 that it wasn't understood. 22 If you understand a question -- if you 23 answer a question, I'm going to assume you've 24 understood it. Is that fair enough? 25 A. Yes, sir.</p>	<p style="text-align: right;">Page 9</p> <p>1 you don't have an exact answer, but you do have an 2 estimate, I'm entitled to your best estimate. 3 However, I'm not entitled to have you guess; so if 4 it is a guess, you should refrain from doing that. 5 The difference between a guess and an 6 estimate is not always clear. To give you an 7 example, the length of this table is something that 8 you can see. You have a life experience with feet 9 and inches or meters and centimeters, you could 10 give a reasonable estimate of the table. 11 If I asked you to estimate the length of 12 my table in my home in Irvine, California, you've 13 never been there, so it would be a pure guess. Do 14 you understand that? 15 A. Yes, sir. 16 Q. That more or less is the difference 17 between a guess and an estimate. An estimate is 18 something you have a basis for giving an estimate 19 about. You understand? 20 A. Yes, sir. 21 Q. Have you taken any kind of medication 22 that would affect your ability to remember or to 23 respond to questions here today? 24 A. No, sir. 25 Q. Detective Alsup, could you tell me please</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 10</p> <p>1 about your educational background, beginning with</p> <p>2 high school?</p> <p>3 A. Went to high school here in Las Vegas,</p> <p>4 graduated. Entered the military. Conducted</p> <p>5 several professional schools related to my field</p> <p>6 while in the military. After I exited the</p> <p>7 military, began going to college until I was hired</p> <p>8 by the Department.</p> <p>9 Q. What was your military occupational</p> <p>10 specialty?</p> <p>11 A. I was in the medical field.</p> <p>12 Q. A paramedic?</p> <p>13 A. Yes. I was a field medic for the</p> <p>14 Marines.</p> <p>15 Q. Field medic, all right.</p> <p>16 Mr. McNutt and I also were both</p> <p>17 Marines.</p> <p>18 MR. McNUTT: But he was in the Navy.</p> <p>19 MR. SAYRE: Well, he was a Navy</p> <p>20 corpsman --</p> <p>21 THE WITNESS: Correct.</p> <p>22 MR. SAYRE: -- but he worked with</p> <p>23 Marines. We were like corpsmen, so ...</p> <p>24 THE WITNESS: I was Marine Corps raised,</p> <p>25 too, so --</p>	<p style="text-align: right;">Page 12</p> <p>1 It's been broken up into different area commands</p> <p>2 since then.</p> <p>3 Q. How long were you in that first</p> <p>4 occupation or task?</p> <p>5 A. Approximately four years.</p> <p>6 Q. What's the next assignment?</p> <p>7 A. Well, I'll break that down a little more.</p> <p>8 While I was at Southwest Area Command, I held</p> <p>9 various assignments. I was a patrol officer. I</p> <p>10 was a field training officer. I was in the</p> <p>11 community-oriented policing office for a little</p> <p>12 while, followed by the problem-solving unit for a</p> <p>13 couple of years. So there were various assignments</p> <p>14 while I was assigned to that area command.</p> <p>15 Q. What is -- what were your</p> <p>16 responsibilities in the community office?</p> <p>17 A. That was working with different citizens</p> <p>18 groups, just trying to make residence in different</p> <p>19 areas in the Southwest Area Commands safer</p> <p>20 places.</p> <p>21 Q. What about the problem-solving group?</p> <p>22 What did you do there?</p> <p>23 A. That was --</p> <p>24 Q. I mean, obviously it sounds like it, but</p> <p>25 --</p>
<p style="text-align: right;">Page 11</p> <p>1 MR. SAYRE: Right.</p> <p>2 Q. Now, could you tell me, please, about</p> <p>3 your college background?</p> <p>4 A. Studied just general-education courses,</p> <p>5 geared more towards biology and the medical field</p> <p>6 at that point.</p> <p>7 Q. Did you achieve a degree?</p> <p>8 A. No.</p> <p>9 Q. Did you have any full-time employment</p> <p>10 prior to becoming employed by the Police</p> <p>11 Department?</p> <p>12 A. Yes, I did.</p> <p>13 Q. And what was that, please?</p> <p>14 A. I was -- while I was going to school, I</p> <p>15 was an apprentice in the Plumbers and Pipefitters</p> <p>16 Union.</p> <p>17 Q. When did you become employed by the Las</p> <p>18 Vegas Metropolitan Police Department?</p> <p>19 A. 1998.</p> <p>20 Q. And you went through an academy?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What was your first assignment?</p> <p>23 A. I was a patrol officer.</p> <p>24 Q. Any particular area?</p> <p>25 A. It was called the Southwest Area Command.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. It was investigative.</p> <p>2 Q. Did you receive any kind of training --</p> <p>3 particularized training -- besides what you</p> <p>4 received in the academy, to perform in the</p> <p>5 problem-solving department?</p> <p>6 A. Just various classes throughout my career</p> <p>7 that -- we have to take so many classes per year,</p> <p>8 and then if you want to go into a certain field or</p> <p>9 a certain area of expertise for investigations, you</p> <p>10 take various classes for those.</p> <p>11 Q. How many investigation classes do you</p> <p>12 think that -- or investigation-oriented classes do</p> <p>13 you think you've taken?</p> <p>14 A. Honestly --</p> <p>15 Q. I don't --</p> <p>16 (Court reporter requests clarification.)</p> <p>17 MR. SAYRE: He's thinking.</p> <p>18 THE WITNESS: Forty to sixty.</p> <p>19 BY MR. SAYRE:</p> <p>20 Q. Is it fair to say that your career has</p> <p>21 substantially been oriented towards</p> <p>22 investigation?</p> <p>23 A. Yes, sir.</p> <p>24 Q. All right. How long were you part of the</p> <p>25 problem-solving group?</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 14</p> <p>1 A. Approximately two years.</p> <p>2 Q. And what type of problems were you called</p> <p>3 upon to solve?</p> <p>4 A. Our team conducted investigations. It</p> <p>5 could be from a shooting to a robbery to a</p> <p>6 burglary. There was no -- that unit, we would take</p> <p>7 investigations right after they happened and do the</p> <p>8 follow-up before it was transferred to a detective</p> <p>9 bureau and the detective would take the case. So</p> <p>10 if we could solve it reasonably quick, we would do</p> <p>11 that.</p> <p>12 Q. So after those four years as a patrolman</p> <p>13 with the various responsibilities you've talked</p> <p>14 about, what's your next assignment?</p> <p>15 A. From there I went to the violent-crime</p> <p>16 section.</p> <p>17 Q. And how long were you in that position?</p> <p>18 A. I was actually in that position twice.</p> <p>19 The first time was approximately four to five</p> <p>20 years. And then the next time was another -- I</p> <p>21 believe it was four years.</p> <p>22 Q. Were they consecutive or was there</p> <p>23 something in between?</p> <p>24 A. No, there was a break in between, where I</p> <p>25 was a motor officer, and that was approximately two</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And in that position you would be called</p> <p>2 upon to investigate instances in which there had</p> <p>3 been a violent encounter with a citizen?</p> <p>4 A. That's correct.</p> <p>5 MR. SAYRE: Now, there's an arrest record</p> <p>6 report here, which I'll mark as Plaintiff's A for</p> <p>7 identification for this deposition.</p> <p>8 (Exhibit A was marked for</p> <p>9 identification and is attached</p> <p>10 hereto.)</p> <p>11 BY MR. SAYRE:</p> <p>12 Q. Did you author this report?</p> <p>13 A. Yes, sir, I did.</p> <p>14 Q. All right. And this was pursuant to an</p> <p>15 investigation that you were assigned to conduct</p> <p>16 regarding the incident that resulted in the death</p> <p>17 of Tashii Farmer?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Prior to this investigation, can you</p> <p>20 estimate how many times you had been called upon</p> <p>21 since 2014 to investigate something that related to</p> <p>22 either force investigation or CRT?</p> <p>23 A. An approximate number?</p> <p>24 Q. Yes, sir.</p> <p>25 A. Fifty to sixty.</p>
<p style="text-align: right;">Page 15</p> <p>1 years.</p> <p>2 Q. In the violent-crime section, did you</p> <p>3 function as a detective?</p> <p>4 A. Yes, sir.</p> <p>5 Q. So that's where you were actually given</p> <p>6 the title of detective?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And that would be both stretches in the</p> <p>9 violent crimes?</p> <p>10 A. Yes, sir.</p> <p>11 Q. During the two years as a motor officer,</p> <p>12 I take it you were not a detective during that</p> <p>13 time?</p> <p>14 A. No.</p> <p>15 Q. When did you finish your second four</p> <p>16 years in the violent-crime section?</p> <p>17 A. 2014.</p> <p>18 Q. Now, what was your assignment after the</p> <p>19 second tour in the violent-crime section?</p> <p>20 A. From there I went to the IOCP Bureau, and</p> <p>21 that's internal oversight and Constitutional</p> <p>22 policing. And I was initially assigned to the</p> <p>23 CIRT, which is the Critical Incident Review Team;</p> <p>24 and then from there, to the Force Investigation</p> <p>25 Team.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Now, in this particular investigation you</p> <p>2 were accompanied by Officer Colon?</p> <p>3 A. Correct.</p> <p>4 Q. Was he a regular partners of yours or was</p> <p>5 this just for this particular investigation?</p> <p>6 A. No, he is my partner.</p> <p>7 Q. How long had you been a partner of</p> <p>8 Officer Colon?</p> <p>9 A. He and I have worked together since</p> <p>10 approximately 2008 in various assignments.</p> <p>11 Q. What is Officer Colon's first name?</p> <p>12 A. Marc.</p> <p>13 Q. Now, in performing this investigation,</p> <p>14 did you split up the responsibilities between</p> <p>15 yourself and Officer Colon?</p> <p>16 A. They were actually split up between us</p> <p>17 and our entire team.</p> <p>18 Q. When you say your entire team, who would</p> <p>19 that consist of?</p> <p>20 A. He have a group of six investigators and</p> <p>21 a sergeant. So typically when we go to a scene,</p> <p>22 each investigator will take -- the case agent kind</p> <p>23 of splits out responsibilities for who will take</p> <p>24 care of interviews, documentation of the scene, and</p> <p>25 so forth.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 18</p> <p>1 Q. When you say case agent, what does that 2 mean? 3 A. The primary investigator assigned to the 4 call. 5 Q. And who was the primary investigator 6 assigned to this call? 7 A. I was. 8 Q. And who assigned you to be the primary 9 investigator? 10 A. It's just a rotation that we go 11 through. 12 Q. It just was your time was up? 13 A. Correct. 14 Q. Who is the sergeant of the team? 15 A. Jerry McDonald. 16 Q. Did Sergeant McDonald participate in the 17 investigation? 18 A. Yes, sir. 19 Q. In what way? 20 A. He's our sergeant. He supervises 21 everything that we do. He reviews documents before 22 they're submitted. 23 Q. Now, I take it that part of your job as 24 investigator is to interview witnesses? 25 A. That's correct.</p>	<p style="text-align: right;">Page 20</p> <p>1 investigator split up the responsibility for the 2 investigation? 3 A. Basically what I would do as the primary 4 investigator, I know I'm going to -- my task is 5 primarily going to be the scene. So from there, I 6 would just typically -- I don't really care how my 7 team members split up the interviews, I just ask 8 them to complete the interviews. 9 Q. All right. So the idea is you interview 10 any and all witnesses that you can find? 11 A. That's correct. 12 Q. All right. Is that what you -- your team 13 did? 14 A. Yes, sir. 15 Q. And when you say you're primarily 16 involved with the scene, what does that mean? 17 A. Just the documentation of the scene and 18 the evidence, working along with our CSIs to make 19 sure all evidence is identified and collected. 20 Q. And the CSI is a person that would 21 respond to look for whatever kinds of nonverbal 22 evidence they could encounter; is that correct? 23 A. That's correct. 24 Q. Did the CSI respond to this scene? 25 A. Yes, sir.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Did Sergeant McDonald participate in 2 interviewing any witnesses? 3 A. No. 4 Q. Did he assist -- 5 A. Well, let me -- 6 Q. Go ahead. Sorry. 7 A. Typically not. Without reviewing every 8 interview that was done on this case, the most 9 likely answer would be no. He may have sat in on 10 an interview, but I would say probably not. 11 Q. So mainly he's in a supervisory role 12 insofar as your investigation team? 13 A. That's correct. 14 Q. Who else was a member of your 15 investigation team for this particular 16 investigation? 17 A. It would have been Detective Joe Patton, 18 Detective Jason Leavitt. I'm sorry, we've had some 19 turnover in the last few -- I'm trying to remember 20 exactly who was -- 21 Q. Take your time. Don't worry about it. 22 A. -- on the team at that point. 23 Q. The best you can recall. 24 A. Those would be the ones I know for sure. 25 Q. Okay. Now, how would you as the primary</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Do you know what, if anything, they 2 collected? 3 A. Photographs, and then I know that there 4 were -- they're called CHADS, and they're part of 5 the discharged case or cartridge. So there were 6 numerous chads that were on the ground that were 7 collected -- 8 Q. Sure. 9 A. -- and then just processing of the 10 scene. 11 Q. When you say just processing the scene, 12 what does that mean? Surveying the scene -- 13 A. Surveying the scene, taking photographs, 14 collecting that evidence. 15 Q. The photographs that were taken of the 16 scene, where would they be maintained? 17 A. In the case file. 18 Q. And where is the case file maintained? 19 A. There's a digital copy, and then there's 20 a hard copy. So I actually have the hard copy. 21 The digital copy is in our computer files. 22 Q. Do you have the hard copies with you? 23 A. I do not. 24 Q. Where do you maintain the hard copy? 25 A. It's currently sitting on my desk.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 22</p> <p>1 Q. Have you been asked to produce the hard 2 copy to anybody in this -- as far as you know -- in 3 this case?</p> <p>4 A. A complete copy of the case file was 5 given to the district attorney's office.</p> <p>6 Q. In a general sense, can you tell me what 7 type of material is contained within the case 8 file?</p> <p>9 A. It's our TCR, temporary custody record, 10 the declaration of arrest, the arrest report, 11 copies of all the transcribed statements from all 12 the interviews, the autopsy report, the documents 13 provided us by the coroner to support the autopsy 14 report. A copy of the CSI paperwork, anything that 15 they produced as far as evidence collection, a copy 16 of the photographs, copies of video.</p> <p>17 Q. What videos?</p> <p>18 A. There was body-worn camera and 19 surveillance video from the Venetian.</p> <p>20 Q. Okay. The body-worn camera of 21 Officer Lopera?</p> <p>22 A. Of any of the officers who had activated 23 body camera during the event.</p> <p>24 Q. All right. There were -- Officer Lif had 25 a body-worn camera, for example?</p>	<p style="text-align: right;">Page 24</p> <p>1 request for the file.</p> <p>2 Q. And I mentioned that I expect to finish 3 your deposition today without a doubt, but if 4 something comes out of the file, I may call you 5 back later just to talk about those things. Okay?</p> <p>6 Just so you're aware of that.</p> <p>7 A. Yes, sir.</p> <p>8 Q. So just keep your file at ready. All 9 right. Thank you, sir.</p> <p>10 So what did Officer Colon do? What were 11 his responsibilities in this investigation?</p> <p>12 A. He assisted me with the documentation of 13 the scene. And basically as my partner he would 14 just complete any task that I might ask him to do.</p> <p>15 Q. And the other two gentlemen that you 16 mentioned, did they have similar roles, that is, 17 you would direct them as needed to do things in the 18 investigation?</p> <p>19 A. That's correct.</p> <p>20 Q. Now, in looking at this report, was it 21 entirely authored by you?</p> <p>22 A. Yes, sir.</p> <p>23 Q. So nobody else wrote any portion of it?</p> <p>24 A. No, sir.</p> <p>25 Q. Well, let's take a look at, I guess it</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Correct.</p> <p>2 Q. Who else?</p> <p>3 A. I know that Officer Tran did. And you're 4 going to have to excuse me, I don't -- off the top 5 of my head, which officers' were activated.</p> <p>6 Q. Sure.</p> <p>7 A. I believe Sergeant Crumrine, but I don't 8 know the exact -- the exact point at which he 9 activated his, I don't remember off the top of my 10 head.</p> <p>11 Q. Right. How about Officer Flores, was 12 there --</p> <p>13 A. I believe so.</p> <p>14 Q. And then the Venetian security cameras?</p> <p>15 A. Yes, sir.</p> <p>16 MR. SAYRE: Let me go off the record for 17 just a second.</p> <p>18 THE VIDEOGRAPHER: Off the record. The 19 time is 10:32 a.m.</p> <p>20 (Discussion off the record.)</p> <p>21 THE VIDEOGRAPHER: Back on the record.</p> <p>22 The time is 10:35 a.m.</p> <p>23 MR. SAYRE: Off the record I just had a 24 conversation with Mr. Anderson, and he doesn't have 25 the file either, so we may be making a joint</p>	<p style="text-align: right;">Page 25</p> <p>1 would be -- it looks like it would be 1 of 8, 2 although it doesn't say it. At the top it says 3 "Arrest report." Do you see that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Now, the information that begins under 6 "Circumstances of arrest," did you obtain that 7 information from Sergeant Abdal-Karim?</p> <p>8 A. Yes, sir.</p> <p>9 Q. So that is his rendition of the facts as 10 he had come to understand them?</p> <p>11 A. That's correct.</p> <p>12 Q. Did you at any time believe that Sergeant 13 Abdal-Karim was himself a percipient witness to any 14 of these facts?</p> <p>15 A. No, sir.</p> <p>16 Q. So is it fair to say your understanding 17 was all of the facts that he was relating to you 18 were things which had been told to him?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you know who told him any of the 21 facts?</p> <p>22 A. I do not.</p> <p>23 Q. Let me be specific. In the third 24 paragraph, in I think about the second sentence, it 25 says -- no, let's try the first sentence -- "During</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 26</p> <p>1 the foot pursuit, Officer Lopera observed 2 Farmer" -- 3 MR. McNUTT: Where you starting? 4 MR. SAYRE: Third paragraph. 5 MR. McNUTT: Third paragraph, okay. 6 MR. SAYRE: Yeah. 7 Q. "During the foot pursuit, Officer Lopera 8 observed Farmer near a white truck and believed he 9 attempted to open the tailgate of the truck in his 10 attempt to flee." 11 Do you know who gave that information to 12 Sergeant Abdal-Karim? 13 A. No, sir. 14 Q. Do you believe that that is not 15 information that Sergeant Abdal-Karim saw 16 himself? 17 A. I do not believe he saw it himself. 18 Q. Okay. Then the next sentence, "Officer 19 Lopera then observed Farmer approach the driver's 20 door of the white truck, and believed Farmer was 21 going to attempt to take the vehicle by force." 22 Do you know who told that to Sergeant 23 Abdal-Karim? 24 A. No, sir. 25 Q. Then it says that "Officer Lopera</p>	<p style="text-align: right;">Page 28</p> <p>1 that he tried to open the tailgate. 2 BY MR. SAYRE: 3 Q. Did you at any time in the tapes observe 4 Farmer attempting to open the driver's door of the 5 white truck? 6 A. No, sir. 7 Q. In looking at the entirety of tapes, did 8 you at any time reach the conclusion that 9 Mr. Farmer was attempting to carjack the truck? 10 A. No, sir. 11 Q. Now, the next paragraph in this document, 12 it says, "Security guards from the Venetian 13 responded and attempted to help take Farmer into 14 custody. Officer Lopera then performed the lateral 15 vascular neck restraint, LVNR, and rendered Farmer 16 unconscious." 17 Do you know who told Sergeant Abdal-Karim 18 that Lopera performed a lateral vascular neck 19 restraint on Mr. Farmer? 20 A. No, sir, I don't. 21 Q. Did you observe at any time -- are you 22 able to say from your own observation of the tape 23 and the security camera that you saw Officer Lopera 24 employ a lateral vascular neck restraint? 25 A. Based on the video that I watched, which</p>
<p style="text-align: right;">Page 27</p> <p>1 discharged the ECD, striking Farmer with both 2 probes and Farmer fell to the ground. Farmer 3 attempted to pull the ECD probes out and attempted 4 to grab the ECD from Officer Lopera's hand." 5 Do you know who gave that information to 6 Sergeant Abdal-Karim? 7 A. No, sir. 8 Q. All right. Now, you've observed the 9 tapes, the body-worn camera, you've observed the 10 security. Did you ever see Mr. Farmer attempt to 11 grab the ECD from Officer Lopera's hand? 12 MR. McNUTT: Objection, form. 13 BY MR. SAYRE: 14 Q. You can answer. 15 A. Okay. In the body-worn camera, it 16 appears as if Farmer makes contact with the ECD 17 while it's in Officer Lopera's hand. To say that 18 he was trying to grab it, I couldn't say that. 19 Q. Did you ever, in either the body-worn 20 camera or the security tapes, observe Farmer 21 attempting to open the tailgate of the truck? 22 MR. McNUTT: Objection, form. 23 THE WITNESS: He -- what it appeared to 24 me is that he grabbed onto the tailgate of the 25 truck as he ran by it. It did not appear to me</p>	<p style="text-align: right;">Page 29</p> <p>1 is the body cam and the Venetian security cam, I do 2 not believe that it was an LVNR. 3 Q. Why not? 4 A. My main basis for that is hand placement. 5 In the LVNR, it's very specific on where the arm 6 encircles the neck and your hand placement as far 7 as your other hand. 8 And during the video, you can see that 9 Officer Lopera's hand is on Farmer's head, and that 10 is not consistent with the LVNR. 11 Q. You've been trained in applying lateral 12 vascular neck restraints? 13 A. Yes, sir. 14 Q. Have you been trained in applying rear 15 naked chokes? 16 A. No, sir. 17 Q. Have you been trained how to escape from 18 a rear naked choke? 19 A. Yes, sir. 20 Q. And as a part of that training, did you 21 become aware of how a rear naked choke is 22 applied? 23 A. Yes, sir. 24 Q. And that was training provided to you by 25 the Metropolitan Police Department?</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 30</p> <p>1 A. Yes, sir.</p> <p>2 Q. Are you able to determine, based upon</p> <p>3 your observation of the body-worn camera and/or the</p> <p>4 security camera of the Venetian, whether or not</p> <p>5 Officer Lopera was employing a rear naked choke?</p> <p>6 A. I do not know.</p> <p>7 Q. What causes you to be unable to determine</p> <p>8 whether it was a rear naked choke?</p> <p>9 A. So because of this event, I had to kind</p> <p>10 of understand what the rear naked choke was, and</p> <p>11 the similarities or differences between an LVNR.</p> <p>12 So from what I learned is the LVNR and the rear</p> <p>13 naked choke physiologically do the same thing.</p> <p>14 They are --</p> <p>15 Q. The blood choke?</p> <p>16 A. Correct, carotid restraints, that are not</p> <p>17 supposed to cause or restrict breathing.</p> <p>18 So in watching the tapes and being</p> <p>19 present at the autopsy, I'm not an expert on LVNR,</p> <p>20 rear naked choke, but going through the training</p> <p>21 that I have, the hand placement for the LVNR is</p> <p>22 what makes it the LVNR.</p> <p>23 Q. And would you explain that, please?</p> <p>24 A. So when you perform the LVNR, you have</p> <p>25 one arm that encircles the neck and basically comes</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Based on the hand on top of the head,</p> <p>2 yes.</p> <p>3 Q. Can you tell whether it was simply a bad</p> <p>4 placement or an improper placement of an LVNR?</p> <p>5 A. No.</p> <p>6 Q. Meaning, you don't believe it was an</p> <p>7 improper placement of an LVNR?</p> <p>8 A. What I mean by that is I don't believe it</p> <p>9 was an LVNR.</p> <p>10 Q. Okay. Why are you unable -- well, let me</p> <p>11 ask you this. And you -- we'll come to it in a</p> <p>12 bit, but in the tape recordings you list five times</p> <p>13 that Officer Lopera told other officers, I think</p> <p>14 four different officers, that he employed a choke,</p> <p>15 or at one point he actually says a rear naked</p> <p>16 choke. I think he says that to Officer Lif. And</p> <p>17 we'll come to it, as I said.</p> <p>18 Why are you not able to say whether or</p> <p>19 not it was a rear naked choke by your observation?</p> <p>20 A. Due to the fact that with the camera</p> <p>21 angles you can't see exactly how arms are placed,</p> <p>22 except for, like I said, you see one hand on top of</p> <p>23 the head. You see that consistently. But I've</p> <p>24 never been trained for a rear naked choke, so I</p> <p>25 don't know if that's exactly what it was as far as</p>
<p style="text-align: right;">Page 31</p> <p>1 around the neck to where the windpipe is in the</p> <p>2 crook of the elbow so that there's no pressure on</p> <p>3 the windpipe. And then the forearm and bicep are</p> <p>4 used to compress the arteries, which is basically</p> <p>5 the same as the rear naked choke.</p> <p>6 However, in the LVNR, we're told that</p> <p>7 after you encircle, the hands come together and</p> <p>8 clasp, and that's how you apply the varying degrees</p> <p>9 of pressure.</p> <p>10 Q. First, second, third degree of</p> <p>11 pressure?</p> <p>12 A. Yes, sir. So at no point are we taught</p> <p>13 for the LVNR that your hand goes on the person's</p> <p>14 head.</p> <p>15 Q. You mean the back hand?</p> <p>16 A. Correct.</p> <p>17 Q. So because you saw the back hand on the</p> <p>18 person's head at the same time that the other arm</p> <p>19 is encircling the neck and applying the pressure to</p> <p>20 the side of the throat, you did not believe that</p> <p>21 you were seeing an LVNR placement?</p> <p>22 A. That's correct.</p> <p>23 Q. And is that -- can you say definitively,</p> <p>24 that is, conclusively, that what you saw was not an</p> <p>25 LVNR hold?</p>	<p style="text-align: right;">Page 33</p> <p>1 the placement.</p> <p>2 But also during the autopsy the doctor</p> <p>3 performing the autopsy told me that it appeared</p> <p>4 that he had been choked.</p> <p>5 Q. What did you understand that to mean?</p> <p>6 MR. McNUTT: Objection, form.</p> <p>7 BY MR. SAYRE:</p> <p>8 Q. That he had been choked, what did you</p> <p>9 understand that to mean?</p> <p>10 A. That there was loss of airway.</p> <p>11 Q. Now, loss of airway would mean pressure</p> <p>12 on the trachea or --</p> <p>13 A. That his airflow was restricted.</p> <p>14 Q. Right, airflow was restricted. Okay.</p> <p>15 Now, is it correct to say that your</p> <p>16 understanding of the rear naked choke is not that</p> <p>17 it is a -- puts pressure on the trachea or air pipe</p> <p>18 -- windpipe --</p> <p>19 A. Right.</p> <p>20 Q. -- it also is a blood choke?</p> <p>21 A. Correct.</p> <p>22 Q. So, well, go ahead. I didn't mean to --</p> <p>23 A. I don't know if -- again, this is my</p> <p>24 understanding. I don't know if blood choke is the</p> <p>25 correct term --</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 34</p> <p>1 Q. Okay.</p> <p>2 A. -- but it restricts blood flow.</p> <p>3 Q. Fair enough. I don't -- didn't mean to</p> <p>4 use the shorthand, but ...</p> <p>5 I don't know if you know this, my expert</p> <p>6 witness says that a lateral vascular neck restraint</p> <p>7 will inhibit or stop 80 to 85 percent of the blood</p> <p>8 flow to the brain, but the rear naked choke stops</p> <p>9 100 percent of the blood flow to the brain. Do you</p> <p>10 know that to be true?</p> <p>11 A. No, sir.</p> <p>12 Q. But my expert also tells me that neither</p> <p>13 the rear naked choke or the lateral vascular neck</p> <p>14 restraint is meant to inhibit the airflow through</p> <p>15 the trachea. Do you know that to be true?</p> <p>16 A. Yes, sir.</p> <p>17 Q. So did you ask the coroner what she meant</p> <p>18 by he had been choked?</p> <p>19 A. No, I did not.</p> <p>20 Q. But you took that to mean that he had had</p> <p>21 some kind of an air choke?</p> <p>22 A. Correct.</p> <p>23 Q. And an air choke would indicate to you</p> <p>24 that -- if that's so, an air choke would indicate</p> <p>25 to you that either lateral vascular neck restraint</p>	<p style="text-align: right;">Page 36</p> <p>1 was doing the examination of the neck area, she</p> <p>2 said that there was bruising consistent with being</p> <p>3 choked.</p> <p>4 Q. What part of the neck was bruised?</p> <p>5 A. I would have to look at her report.</p> <p>6 Q. The coroner's report?</p> <p>7 A. Yes, sir.</p> <p>8 Q. I think there's bruising all around the</p> <p>9 neck, as well; but we're both -- without the</p> <p>10 coroner's report, we don't have any ...</p> <p>11 But she showed you bruising around the</p> <p>12 neck?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Was any of that bruising in the area of</p> <p>15 the windpipe or trachea?</p> <p>16 A. Yeah, I have -- without looking at the</p> <p>17 report that she authored, I don't remember.</p> <p>18 Q. Sure. Was the bruising in more than one</p> <p>19 spot around the neck?</p> <p>20 A. I believe so.</p> <p>21 Q. Do you know if a lateral vascular neck</p> <p>22 restraint leaves bruising from application?</p> <p>23 A. I guess the only way that I can answer</p> <p>24 that is that from what we are taught, you're</p> <p>25 only -- it's only putting pressure on the carotid</p>
<p style="text-align: right;">Page 35</p> <p>1 or rear naked choke was used?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Do you understand that a rear naked choke</p> <p>4 involves pressure to the back of the neck with the</p> <p>5 other arm?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Is there any hold that is taught by the</p> <p>8 Metropolitan Police Department that provides for an</p> <p>9 air choke that is to the trachea or windpipe?</p> <p>10 A. No, sir.</p> <p>11 Q. In your observation of the neck restraint</p> <p>12 employed by Officer Lopera, did you at any time see</p> <p>13 him putting pressure on the trachea or windpipe?</p> <p>14 A. No, sir.</p> <p>15 Q. When the coroner told you that Mr. Farmer</p> <p>16 had been choked, is it fair to say that you don't</p> <p>17 really know exactly what she meant by using the</p> <p>18 word choked?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. Can I further that?</p> <p>22 Q. Of course.</p> <p>23 A. She did -- when she was doing the</p> <p>24 examination, she did show us and provide -- I'm not</p> <p>25 a medical expert, so I have no idea -- but when she</p>	<p style="text-align: right;">Page 37</p> <p>1 arteries.</p> <p>2 Q. It's actually the carotid, jugular, and</p> <p>3 vagus nerves; correct?</p> <p>4 A. Correct.</p> <p>5 Q. And that's alongside the neck?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Does that mean that -- well, if you know,</p> <p>8 does that pressure, from your experience, produce</p> <p>9 any bruising along the side of the neck?</p> <p>10 A. I don't have experience in that.</p> <p>11 Q. Is that lateral vascular neck restraint</p> <p>12 pressure only applied along one side of the neck?</p> <p>13 A. No, it's on both sides.</p> <p>14 Q. Both sides.</p> <p>15 But a lateral vascular neck restraint</p> <p>16 does not call for pressure in the front, where the</p> <p>17 trachea or windpipe is; correct?</p> <p>18 A. Correct.</p> <p>19 Q. And it doesn't call for pressure in the</p> <p>20 back of the neck?</p> <p>21 A. There is actually pressure placed in the</p> <p>22 back of the head, and that's by the officer's head.</p> <p>23 The officer's head is turned to the side and</p> <p>24 pressed up against the back of the suspect's</p> <p>25 head.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 38</p> <p>1 Q. Did you see that?</p> <p>2 A. No, sir.</p> <p>3 Q. All right. And let's go back to the</p> <p>4 page, please. The next to the last paragraph, it</p> <p>5 says, "Sergeant Abdal-Karim provided detectives</p> <p>6 with the names of several witnesses to include</p> <p>7 LVMPD officers and civilians. Sergeant Abdal-Karim</p> <p>8 also relayed that video surveillance was available</p> <p>9 from the Venetian Hotel and also Officer Lopera's</p> <p>10 body-worn camera."</p> <p>11 Then it says, "Detectives with FIT then</p> <p>12 assumed investigative responsibility."</p> <p>13 Now, would that be you?</p> <p>14 A. Our team, yes, sir.</p> <p>15 Q. "Sergeant McDonald took control of</p> <p>16 Officer Lopera's EWC and maintained control of the</p> <p>17 camera until the video footage was viewed and</p> <p>18 downloaded by detectives."</p> <p>19 A. Yes, sir.</p> <p>20 Q. Now, let's go over to the next page. It</p> <p>21 says, first paragraph, "During the walk-through" --</p> <p>22 now, is this walk-through something that you</p> <p>23 observed?</p> <p>24 A. Yes, sir.</p> <p>25 Q. "During the walk-through, which was</p>	<p style="text-align: right;">Page 40</p> <p>1 street that runs east and west.</p> <p>2 Q. Okay.</p> <p>3 A. The street that goes east and west, that</p> <p>4 truck, it goes to a parking garage in the valet</p> <p>5 area in the Venetian.</p> <p>6 Q. Do you know the name of the street that</p> <p>7 goes east and west?</p> <p>8 A. Off the top of my head, I don't</p> <p>9 remember.</p> <p>10 Q. Okay. In the security videos, they're</p> <p>11 focusing on a street. Is that the east-west</p> <p>12 street?</p> <p>13 A. There's two different views. That's one</p> <p>14 -- there's an overhead that catches Farmer and</p> <p>15 Lopera running south. And then there's another</p> <p>16 camera angle, that's actually from valet, that</p> <p>17 would be facing east, that captures the struggle on</p> <p>18 the ground.</p> <p>19 Q. Now, the overhead, I'm not sure I've ever</p> <p>20 seen that. But the one -- the struggle on the</p> <p>21 ground is on a street which runs east and west. So</p> <p>22 that's the east-west street?</p> <p>23 A. Yes, sir.</p> <p>24 Q. All right. And then it goes on to say,</p> <p>25 "Farmer approached a white truck who was traveling</p>
<p style="text-align: right;">Page 39</p> <p>1 started at the point to when he exited the hotel,</p> <p>2 Officer Lopera stated he observed a security</p> <p>3 officer and asked if the officer had seen anyone</p> <p>4 running. The security officer pointed to the south</p> <p>5 and Officer Lopera observed Farmer running south in</p> <p>6 the middle of the street."</p> <p>7 Which street was that?</p> <p>8 A. So at the Venetian Hotel, where they</p> <p>9 exited -- I'm sorry, I don't -- I know the -- I</p> <p>10 don't remember the exact name of the street.</p> <p>11 Q. That's fine.</p> <p>12 A. But where they exited the hotel, there's</p> <p>13 a small street that runs north and south.</p> <p>14 Q. Right. On the Venetian property?</p> <p>15 A. Well, it's still the Venetian property,</p> <p>16 but there's park- -- there's -- where the parking</p> <p>17 garage is, and then it travel- -- the east-west</p> <p>18 street runs into where the valet area is.</p> <p>19 Q. Okay. And then it goes on to say,</p> <p>20 "Farmer approached a white truck that was traveling</p> <p>21 west."</p> <p>22 Now, how does that relate to the street</p> <p>23 that you start out running on?</p> <p>24 A. So the street they're running on, where</p> <p>25 they're running southbound, comes to a T with the</p>	<p style="text-align: right;">Page 41</p> <p>1 west. Farmer attempted to open the tailgate of the</p> <p>2 truck, and Officer Lopera believed that Farmer was</p> <p>3 going to attempt to take the vehicle by force."</p> <p>4 Now, is this statement being made by</p> <p>5 Officer Lopera?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Is every statement that is in this</p> <p>8 paragraph, that is a statement made by Officer</p> <p>9 Lopera?</p> <p>10 A. This top paragraph?</p> <p>11 Q. Yes.</p> <p>12 A. Yes, sir.</p> <p>13 Q. Did he say what he meant when he said</p> <p>14 that "Farmer was attempting to open the</p> <p>15 tailgate"?</p> <p>16 MR. McNUTT: I'm sorry, what was the</p> <p>17 question, Frank?</p> <p>18 BY MR. SAYRE:</p> <p>19 Q. The question is, did he say what he meant</p> <p>20 when he said, "Farmer attempted to open the</p> <p>21 tailgate of the truck"?</p> <p>22 A. No, sir, that was his statement.</p> <p>23 Q. Okay. And you observed the video and did</p> <p>24 not see Farmer attempting to open the tailgate of</p> <p>25 the truck?</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 42</p> <p>1 A. That's correct.</p> <p>2 Q. When you looked at the video, did you</p> <p>3 look at it with other members of your team?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And that would have been Colon?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And the other two gentlemen who you</p> <p>8 named; correct?</p> <p>9 A. We all viewed it.</p> <p>10 Q. All right. Did Sergeant McDonald view</p> <p>11 it?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Any one of the five of you believe that</p> <p>14 you saw Mr. Farmer attempting to open the tailgate</p> <p>15 of the truck?</p> <p>16 MR. McNUTT: Objection, form.</p> <p>17 THE WITNESS: I don't know that that was</p> <p>18 specifically ever discussed between us.</p> <p>19 BY MR. SAYRE:</p> <p>20 Q. All right. Did anybody tell you, of</p> <p>21 those four gentlemen, besides yourself, that they</p> <p>22 agreed with Farmer that -- I'm sorry -- that they</p> <p>23 agreed with Lopera that Farmer was attempting to</p> <p>24 open the tailgate of the truck?</p> <p>25 MR. McNUTT: Objection, form.</p>	<p style="text-align: right;">Page 44</p> <p>1 possibility, as his perception.</p> <p>2 BY MR. SAYRE:</p> <p>3 Q. At that point, the walk-through was</p> <p>4 stopped by attorney John Aldrich?</p> <p>5 A. Yes, sir.</p> <p>6 Q. So he didn't allow Officer Lopera to</p> <p>7 continue to tell you what had happened?</p> <p>8 A. That's correct.</p> <p>9 Q. So you were never able to get his</p> <p>10 statement about why he tased him seven times?</p> <p>11 A. That is correct.</p> <p>12 Q. You were never able to get his statement</p> <p>13 about why he struck him on the face or head about</p> <p>14 10 to 12 times?</p> <p>15 A. That's correct.</p> <p>16 Q. And you were never able to get his</p> <p>17 statement about why he applied whatever neck hold</p> <p>18 or neck restraint he applied?</p> <p>19 A. That's correct.</p> <p>20 Q. In this report, did you conclude that if</p> <p>21 Mr. Farmer had lived, he would not have been</p> <p>22 charged with attempting to carjack the truck?</p> <p>23 A. That's correct.</p> <p>24 Q. And how did you come to that</p> <p>25 conclusion?</p>
<p style="text-align: right;">Page 43</p> <p>1 THE WITNESS: Nobody said that.</p> <p>2 BY MR. SAYRE:</p> <p>3 Q. Did any of the four gentlemen, besides</p> <p>4 you, tell you that they did not believe that Farmer</p> <p>5 was attempting to open the tailgate of the truck?</p> <p>6 MR. McNUTT: Objection, form.</p> <p>7 THE WITNESS: No, sir.</p> <p>8 BY MR. SAYRE:</p> <p>9 Q. Did you believe the -- the next</p> <p>10 sentence -- or the next statement is that "Officer</p> <p>11 Lopera believed that Farmer was going to attempt to</p> <p>12 take the vehicle by force." Do you see that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Did you believe that a reasonable,</p> <p>15 objective officer, from what you observed in the</p> <p>16 tape, would believe that Farmer was going to</p> <p>17 attempt to take the vehicle by force?</p> <p>18 MR. McNUTT: Objection, form.</p> <p>19 THE WITNESS: My vantage point compared</p> <p>20 to what his vantage point would have been are two</p> <p>21 completely different things. And I don't really</p> <p>22 know what his vantage point was, as he observed it.</p> <p>23 From my overhead view, I couldn't say</p> <p>24 what his perception would have been. That what he</p> <p>25 saw, I would say that that could have been a</p>	<p style="text-align: right;">Page 45</p> <p>1 A. The driver of the truck, I believe in his</p> <p>2 statement, said that he did not feel threatened by</p> <p>3 Farmer.</p> <p>4 And from the vantage point of the</p> <p>5 overhead video, it did not appear to us that Farmer</p> <p>6 tried to make entry into the vehicle at any point</p> <p>7 or make contact with the driver.</p> <p>8 Q. Let me ask you to turn to page 7 and 8,</p> <p>9 please. It says at the top, "On May 31, 2017, I</p> <p>10 received the autopsy report from the Clark County</p> <p>11 Office of the Coroner and Medical Examiner. The</p> <p>12 autopsy was conducted by Dr. Alane Olson on</p> <p>13 5/14/17, at 1255 hours. Dr. Olson opined that the</p> <p>14 cause of death was," quote, "Asphyxia due to</p> <p>15 police restraint," closed quote, "and the manner</p> <p>16 of death was homicide. According to Dr. Olson,</p> <p>17 during the autopsy she found hemorrhaging in the</p> <p>18 neck which could be consistent with being choked."</p> <p>19 Is that what you were referring to</p> <p>20 previously about bruising?</p> <p>21 A. Yes, sir.</p> <p>22 Q. So she -- the report uses the word</p> <p>23 "hemorrhaging." Is that, to you, synonymous with</p> <p>24 bruising?</p> <p>25 A. Bruising is a result of hemorrhaging,</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 46</p> <p>1 correct, yes, sir.</p> <p>2 Q. Then the second paragraph, "According to</p> <p>3 her statement, Officer Lif believed the contact</p> <p>4 between the officers and Farmer was a consensual</p> <p>5 encounter. Farmer had approached the officers and</p> <p>6 asked if they knew where a drinking fountain was</p> <p>7 located. After a short conversation with Officer</p> <p>8 Lopera, Farmer began walking away from the officers</p> <p>9 and towards a hallway which was marked with an</p> <p>10 illuminated exit sign. Farmer walked into a chain</p> <p>11 which was suspended by two yellow caution cones.</p> <p>12 Lopera reached out with both arms in an attempt to</p> <p>13 grab Farmer. Farmer then turned around and ran</p> <p>14 down the hallway, chased by Officer Lopera. LVMPD</p> <p>15 policy states an officer may initiate a foot</p> <p>16 pursuit of any individual the officer reasonably</p> <p>17 believes is about to engage in, is engaging in, or</p> <p>18 has engaged in criminal activity. As</p> <p>19 Officer Lopera began to chase Farmer, he had no</p> <p>20 reasonable suspicion or probable cause to believe</p> <p>21 that Farmer had been involved in any criminal</p> <p>22 conduct."</p> <p>23 Okay. Now, a consensual encounter is</p> <p>24 encounter between an officer and a civilian in</p> <p>25 which the officer wishes to obtain some information</p>	<p style="text-align: right;">Page 48</p> <p>1 tase deployment was reasonable.</p> <p>2 Q. In your opinion, was any Taser deployment</p> <p>3 after the first deployment reasonable?</p> <p>4 A. The second and third could have been;</p> <p>5 however, based on our policy, after three times the</p> <p>6 Taser is to be deemed not working and go to a</p> <p>7 different tool.</p> <p>8 Q. So after three tasings, the officer</p> <p>9 should have deemed the Taser to be ineffective and</p> <p>10 ceased using the Taser on Mr. Farmer?</p> <p>11 A. Yes, sir.</p> <p>12 Q. So Tasers five -- or four, five, six, and</p> <p>13 seven, would all be out of policy?</p> <p>14 A. Yes, sir.</p> <p>15 Q. That means unreasonable behavior?</p> <p>16 A. Yes, sir.</p> <p>17 MR. McNUTT: Objection to form.</p> <p>18 BY MR. SAYRE:</p> <p>19 Q. And the last Taser was nine seconds in</p> <p>20 length; do you recall that?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And the Department only allows a tasing</p> <p>23 for up to five seconds in length?</p> <p>24 A. Yes, sir.</p> <p>25 Q. So nine seconds in length, whether it was</p>
<p style="text-align: right;">Page 47</p> <p>1 by talking to the person, if the person will</p> <p>2 voluntarily talk to the officer; correct?</p> <p>3 A. Correct.</p> <p>4 Q. It does not require any kind of</p> <p>5 reasonable suspicion of wrong-doing to have a</p> <p>6 consensual encounter?</p> <p>7 A. Correct.</p> <p>8 Q. A civilian is free to not talk to the</p> <p>9 officer if he or she wishes; correct?</p> <p>10 A. Correct.</p> <p>11 Q. A civilian, in fact, is free to leave the</p> <p>12 presence of the officer if they wish?</p> <p>13 A. Yes, sir.</p> <p>14 Q. All right. Was it your opinion, as</p> <p>15 you've listed in the report, that there was no</p> <p>16 justification for Officer Lopera to chase</p> <p>17 Mr. Farmer?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Was it your opinion -- is it your opinion</p> <p>20 that there was no justification for Officer Lopera</p> <p>21 to tase Mr. Farmer?</p> <p>22 A. Based on Officer Lopera's perception that</p> <p>23 he stated to us during the walk-through, that he</p> <p>24 thought that Farmer was going to attempt to take</p> <p>25 the vehicle by force, I would say that the first</p>	<p style="text-align: right;">Page 49</p> <p>1 the first or the last tasing, would be out of</p> <p>2 policy?</p> <p>3 MR. McNUTT: Objection, form.</p> <p>4 THE WITNESS: Well, I guess that's kind</p> <p>5 of hard for me to say because whether it's a --</p> <p>6 some kind of malfunction with the Taser itself,</p> <p>7 because the cycle is supposed to be five seconds;</p> <p>8 or the trigger was pulled again to initiate a</p> <p>9 second cycle as the first cycle ended, I'm not an</p> <p>10 expert on how the Taser -- how that happened.</p> <p>11 BY MR. SAYRE:</p> <p>12 Q. Have you used a Taser?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Do you know that you can just keep your</p> <p>15 finger down and it'll go past the five seconds, if</p> <p>16 you just keep your finger down?</p> <p>17 MR. McNUTT: Objection, form.</p> <p>18 THE WITNESS: I believe that depends on</p> <p>19 the model that's being used.</p> <p>20 BY MR. SAYRE:</p> <p>21 Q. All right. Do you know what model was</p> <p>22 being used?</p> <p>23 A. I believe it's X26, but I'm not sure.</p> <p>24 Q. But is there any doubt in your mind that</p> <p>25 as a seventh tasing, going nine seconds, this would</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 50</p> <p>1 be out of policy?</p> <p>2 MR. McNUTT: Objection, form.</p> <p>3 THE WITNESS: It's not within what is</p> <p>4 written in our policy.</p> <p>5 BY MR. SAYRE:</p> <p>6 Q. And therefore, that's unreasonable</p> <p>7 behavior?</p> <p>8 MR. McNUTT: Objection, form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. SAYRE:</p> <p>11 Q. All right. Now, did you see in looking</p> <p>12 at the videos, including the Venetian security</p> <p>13 video, that Officer Lopera struck Mr. Farmer in the</p> <p>14 head or face 10 to 12 times?</p> <p>15 A. Yes, sir.</p> <p>16 Q. All right. Did you see any justification</p> <p>17 for striking him in the head or face?</p> <p>18 A. No, sir, I did not.</p> <p>19 Q. All right. And the reason for that is</p> <p>20 that you did not see Mr. Farmer at any time</p> <p>21 aggressively resisting?</p> <p>22 MR. McNUTT: Objection, form.</p> <p>23 THE WITNESS: Yes, sir.</p> <p>24 BY MR. SAYRE:</p> <p>25 Q. Now, aggressive resistance means that a</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes, sir.</p> <p>2 Q. And have you been trained in what is or</p> <p>3 is not a Fourth Amendment violation?</p> <p>4 A. Yes.</p> <p>5 Q. Would the use of the lateral vascular</p> <p>6 neck restraint, if it had been a lateral vascular</p> <p>7 neck restraint, in this situation have been a</p> <p>8 violation of the Fourth Amendment?</p> <p>9 MR. McNUTT: Objection, form.</p> <p>10 MR. ANDERSON: Objection, form.</p> <p>11 THE WITNESS: Yes, sir.</p> <p>12 BY MR. SAYRE:</p> <p>13 Q. Do you believe that the use of whatever</p> <p>14 choke hold was used by Officer Lopera constituted</p> <p>15 excessive force?</p> <p>16 MR. ANDERSON: Objection, form.</p> <p>17 THE WITNESS: Yes, sir.</p> <p>18 BY MR. SAYRE:</p> <p>19 Q. And whatever choke hold was used by</p> <p>20 Officer Lopera, did you consider that to be a</p> <p>21 violation of the Fourth Amendment?</p> <p>22 A. Yes, sir.</p> <p>23 MR. McNUTT: Objection, form.</p> <p>24 BY MR. SAYRE:</p> <p>25 Q. All right. Let's go back to -- please,</p>
<p style="text-align: right;">Page 51</p> <p>1 person, the subject, is attempting to do something</p> <p>2 to harm the officer?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Did you ever see Mr. Farmer attempting to</p> <p>5 harm the officer?</p> <p>6 A. No, sir.</p> <p>7 Q. Would the 10 to 12 blows that you saw</p> <p>8 delivered by Officer Lopera be outside of policy?</p> <p>9 A. In this circumstance?</p> <p>10 Q. Yes.</p> <p>11 A. Yes, sir.</p> <p>12 Q. And would you say that they were</p> <p>13 excessive force?</p> <p>14 MR. ANDERSON: Objection, form.</p> <p>15 THE WITNESS: I would say it's</p> <p>16 unreasonable.</p> <p>17 BY MR. SAYRE:</p> <p>18 Q. Unreasonable force?</p> <p>19 A. Right.</p> <p>20 Q. Did you see any justification for</p> <p>21 applying a lateral vascular neck restraint?</p> <p>22 A. No, sir.</p> <p>23 Q. Would you consider the application, if it</p> <p>24 had been a lateral vascular neck restraint, to have</p> <p>25 been excessive force?</p>	<p style="text-align: right;">Page 53</p> <p>1 to page 2. By tracing the license plate of the</p> <p>2 white truck, you were able to determine that the</p> <p>3 owner was Jonathan Pierce, of Flagstaff, Arizona?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And Jonathan Pierce was interviewed by a</p> <p>6 member of your team?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Not you?</p> <p>9 A. No.</p> <p>10 Q. And is that -- the summary of that</p> <p>11 interview is stated in page 2 of 8?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And besides this summary, there's an</p> <p>14 actual transcript of an interview with Jonathan</p> <p>15 Pierce?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And in that --</p> <p>18 A. Let me clarify that.</p> <p>19 Q. Of course.</p> <p>20 A. If I recall correctly, that interview was</p> <p>21 conducted over the phone.</p> <p>22 Q. Right.</p> <p>23 A. So there's a summary by the detective</p> <p>24 that did the interview --</p> <p>25 Q. Okay.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 54</p> <p>1 A. -- but there wouldn't be a transcript.</p> <p>2 Q. Seems like I've seen an actual transcript</p> <p>3 of --</p> <p>4 MR. McNUTT: I have too.</p> <p>5 MR. SAYRE: All right.</p> <p>6 MR. McNUTT: We used it --</p> <p>7 THE WITNESS: We did. And I do</p> <p>8 apologize. With my current assignment and the</p> <p>9 call-out over the last couple days, I didn't get a</p> <p>10 chance to review everything, and that's what I</p> <p>11 would have wanted to.</p> <p>12 BY MR. SAYRE:</p> <p>13 Q. Not a problem. I wouldn't expect you to</p> <p>14 remember, not at all. Don't worry about it.</p> <p>15 So Mr. Pierce did not feel threatened by</p> <p>16 Mr. Farmer during the course of this incident; is</p> <p>17 that a fair statement?</p> <p>18 MR. McNUTT: Objection, form.</p> <p>19 THE WITNESS: Correct.</p> <p>20 BY MR. SAYRE:</p> <p>21 Q. And he did relate that he believed that</p> <p>22 what he saw was a rear naked choke?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Your understanding was that Mr. Pierce</p> <p>25 had some experience in martial arts?</p>	<p style="text-align: right;">Page 56</p> <p>1 transcript.</p> <p>2 MR. SAYRE: Okay.</p> <p>3 INFORMATION REQUESTED:</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____.</p> <p>7 BY MR. SAYRE:</p> <p>8 Q. This information was simply related to</p> <p>9 you by whichever officer did the interview of</p> <p>10 Officer Tran?</p> <p>11 A. Yes, sir.</p> <p>12 Q. So the information that's stated, that</p> <p>13 when he first saw him, Officer Lopera, that he had</p> <p>14 the suspect in the LVNR, that was related to you by</p> <p>15 this other officer?</p> <p>16 A. That's correct.</p> <p>17 Q. And that when he looked at the suspect,</p> <p>18 he appeared to be unconscious, that was related to</p> <p>19 you by the other officer?</p> <p>20 A. Yes, sir.</p> <p>21 MR. McNUTT: By which officer?</p> <p>22 MR. SAYRE: The other officer, the one we</p> <p>23 don't --</p> <p>24 MR. McNUTT: Oh, the other -- the</p> <p>25 interviewing officer?</p>
<p style="text-align: right;">Page 55</p> <p>1 A. I believe he told the interviewing</p> <p>2 detective that he had a limited background in mixed</p> <p>3 martial arts.</p> <p>4 Q. Take a look at the last paragraph on</p> <p>5 page 2. It says that "At 0434 hours, Officer Tran</p> <p>6 was interviewed by detectives. Among other things,</p> <p>7 he states when he exited the vehicle and approached</p> <p>8 it, it appeared the officer had the suspect in the</p> <p>9 LVNR and a handcuffed on one hand. When he looked</p> <p>10 at the suspect, he appeared to be unconscious."</p> <p>11 Did Officer Tran tell you why he thought</p> <p>12 that Officer Lopera had the suspect in an LVNR?</p> <p>13 A. I was not the one that interviewed</p> <p>14 Officer Tran.</p> <p>15 Q. All right. Who did that interview?</p> <p>16 A. I would have to go -- I would have to</p> <p>17 look at the case file to find out.</p> <p>18 Q. Okay. Did you ever talk to Officer</p> <p>19 Tran?</p> <p>20 A. No, sir.</p> <p>21 Q. If we leave a blank in the deposition</p> <p>22 booklet for the name of the officer who talked to</p> <p>23 Officer Tran, could you fill that in, please?</p> <p>24 A. I can find out who did the interview.</p> <p>25 MR. ANDERSON: We'll put it in the</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. SAYRE: The interviewing officer.</p> <p>2 Q. Now, Officer Tran told Lopera to, quote,</p> <p>3 "Let go," closed quote. Okay. That was related to</p> <p>4 you by the other officer?</p> <p>5 A. That's correct.</p> <p>6 Q. Okay. All right.</p> <p>7 MR. McNUTT: Fred, how much more you got?</p> <p>8 MR. SAYRE: Oh, probably half an hour,</p> <p>9 45 minutes.</p> <p>10 MR. McNUTT: Take a break?</p> <p>11 MR. SAYRE: Sure. No problem.</p> <p>12 THE VIDEOGRAPHER: We are off the record</p> <p>13 at 11:21 a.m.</p> <p>14 (Break taken.)</p> <p>15 THE VIDEOGRAPHER: Back on the record.</p> <p>16 The time is 11:30 a.m.</p> <p>17 BY MR. SAYRE:</p> <p>18 Q. All right. Let me ask you to turn to 3</p> <p>19 of 8, please.</p> <p>20 A. Yes, sir.</p> <p>21 Q. Now, this has a series of times, and then</p> <p>22 there are statements made after the times?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Now, the times -- is it correct to say</p> <p>25 that these are the times from the start of the --</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 58</p> <p>1 in the first case -- the body-worn camera of</p> <p>2 Officer Lopera?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And then you put in the verbiage, if you</p> <p>5 will?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Now, are these things that you heard in</p> <p>8 each of these time frames?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay.</p> <p>11 A. Heard or observed.</p> <p>12 Q. Heard or observed. Okay.</p> <p>13 Now, can I turn you over, please, to</p> <p>14 page 5 of 8. Looking at 3 minutes and 25 seconds,</p> <p>15 it says, "Officer Tran arrived and said, 'Let him</p> <p>16 go, Ken.'"</p> <p>17 Now, let me represent to you that</p> <p>18 Sergeant Crumrine was deposed and said that was</p> <p>19 actually him that said, "Let him go, Ken," at 3:25.</p> <p>20 And Officer Tran said he did not say, at</p> <p>21 3:25, "Let him go, Ken."</p> <p>22 Did you arrive at the opinion that it was</p> <p>23 Officer Tran that was saying that in part because</p> <p>24 of the interview of Officer Tran, which is on the</p> <p>25 last paragraph of page 2 of 8?</p>	<p style="text-align: right;">Page 60</p> <p>1 MR. ANDERSON: Objection, form.</p> <p>2 THE WITNESS: You're taught that you use</p> <p>3 the amount of force necessary to make that person</p> <p>4 comply. Once that person complies with the</p> <p>5 technique that's being used, the person is placed</p> <p>6 into custody and then it's stopped -- the force is</p> <p>7 stopped.</p> <p>8 BY MR. SAYRE:</p> <p>9 Q. Does compliance include rendering</p> <p>10 somebody unconscious?</p> <p>11 A. If that's the point that you have to take</p> <p>12 the LVNR to, yes.</p> <p>13 Q. All right. So if, in fact, the hold was</p> <p>14 maintained after Mr. Farmer was unconscious, that</p> <p>15 would be excessive force?</p> <p>16 A. Wrong.</p> <p>17 MR. McNUTT: Objection to form.</p> <p>18 THE WITNESS: What you're taught is once</p> <p>19 that person begins to comply, and whether or not it</p> <p>20 is because that person is unconscious, the hold is</p> <p>21 loosened until the person is placed in the</p> <p>22 handcuffs, and then you seek medical attention.</p> <p>23 BY MR. SAYRE:</p> <p>24 Q. Okay. If the person is unconscious, if</p> <p>25 you continue to maintain an LVNR, that would be</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Yes, sir.</p> <p>2 Q. So you put that statement that Officer</p> <p>3 Tran in the interview said "Let go" -- you put that</p> <p>4 together with the -- what you heard on the tape at</p> <p>5 3:25, that said, "Let him go, Ken"?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Do you now believe that it was in fact</p> <p>8 Officer Crumrine that said that, or do you know?</p> <p>9 A. I don't know. But if that's what their</p> <p>10 statement was, I would say it's accurate.</p> <p>11 Q. Okay. In the summary, if you will, of</p> <p>12 Officer Tran's interview, it says, "When he exited</p> <p>13 his vehicle and approached, it appeared that</p> <p>14 officer -- the officer had the suspect in the LVNR</p> <p>15 and handcuff on one hand. When he looked at the</p> <p>16 suspect, he appeared to be unconscious."</p> <p>17 Did you understand that to mean when he</p> <p>18 arrived at the location where Officer Lopera was</p> <p>19 applying the LVNR, that the suspect was</p> <p>20 unconscious?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Is there any justification, based upon</p> <p>23 what tactics are taught by the Metropolitan Police</p> <p>24 Department, to continuance an LVNR after a suspect</p> <p>25 is unconscious?</p>	<p style="text-align: right;">Page 61</p> <p>1 excessive force?</p> <p>2 A. Not exactly in the terms you're putting</p> <p>3 it, because you're still holding -- you're still --</p> <p>4 until that person is in custody, you're still</p> <p>5 maintaining the hold; you're releasing the</p> <p>6 pressure.</p> <p>7 Q. Was there some indication that after</p> <p>8 officer -- whoever said it at 3:25, after Ken</p> <p>9 Lopera was told, "Let him go, Ken," that he</p> <p>10 released the pressure of whatever hold he had on</p> <p>11 Mr. Farmer?</p> <p>12 A. I could not tell that through the video.</p> <p>13 Q. Is there any indication from 3:25 until</p> <p>14 4:11, that Officer Lopera ever released the hold</p> <p>15 after he was told to, quote, "Let him go, Ken"?</p> <p>16 A. Again, hard to tell through the video.</p> <p>17 Q. Well --</p> <p>18 A. You said release the pressure or release</p> <p>19 the hold?</p> <p>20 Q. Release the hold.</p> <p>21 A. He still maintained -- according to the</p> <p>22 video, the hold was still maintained.</p> <p>23 Q. And you can't tell whether he relieved</p> <p>24 pressure or not?</p> <p>25 A. Correct.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 62</p> <p>1 Q. If he didn't relieve pressure, would that</p> <p>2 be considered excessive force?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And a violation of the Fourth</p> <p>5 Amendment?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Take a look at 3:27. "Officer Lopera</p> <p>8 stated," quote, "'Roll him to -- hold on, don't</p> <p>9 grab my fucking legs,'" close quote. "Officer Tran</p> <p>10 stated, 'We're on top of him. We're' -- quote,</p> <p>11 "'We're on top of him,'" closed quote.</p> <p>12 Do you have confidence that Officer Tran</p> <p>13 said that?</p> <p>14 A. It's very possible that it could have</p> <p>15 been another officer on the scene. I was basing</p> <p>16 that as it sounded to me to be the same voice as</p> <p>17 the person that said, "Let him go, Ken."</p> <p>18 Q. Could you tell whether at 3:27 Officer</p> <p>19 Tran was present adjacent to where Officer Lopera</p> <p>20 and Mr. Farmer were?</p> <p>21 A. Yes.</p> <p>22 Q. He was?</p> <p>23 A. Yes.</p> <p>24 Q. Was officer Flores also adjacent at that</p> <p>25 time?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. And Officer Tran was close enough that if</p> <p>2 he wished to for whatever reason, he could have</p> <p>3 reached over and pulled Officer Lopera's hands away</p> <p>4 from Mr. Farmer's throat?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And Officer Flores was close enough that</p> <p>7 if he wished to for whatever reason, he could have</p> <p>8 reached over and pulled Officer Lopera's hands away</p> <p>9 from Mr. Farmer's throat?</p> <p>10 A. If he was there at that time, yes.</p> <p>11 Q. You just don't remember about</p> <p>12 Officer Flores?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. At 3:36, it says, "Officer Lopera</p> <p>15 placed the palm of his hand on Farmer's forehead."</p> <p>16 Is that what you were saying, he placed</p> <p>17 his hand on his head; or was it some other</p> <p>18 placement of the hand on the head?</p> <p>19 A. What that time annotated right there, the</p> <p>20 only thing I could tell you is that according to</p> <p>21 the video, I observed that. I don't know why it</p> <p>22 was done, and I'd have to look at that video again</p> <p>23 to really be able to answer your question</p> <p>24 completely.</p> <p>25 Q. All right. You do recall that you saw</p>
<p style="text-align: right;">Page 63</p> <p>1 A. I would have to review the video to see</p> <p>2 exactly where.</p> <p>3 Q. All right. Now, would it be fair to</p> <p>4 state that at 3:01, it says, "Sergeant Crumrine</p> <p>5 arrived and stated," quote, "'Put your fucking</p> <p>6 hands behind your back,'" close quote, that Officer</p> <p>7 Crumrine was present that point in time forward?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And that would be immediately adjacent to</p> <p>10 Officer Lopera and Mr. Farmer?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Within range, that if he wanted to he</p> <p>13 could have reached in and actually pulled his hands</p> <p>14 away from the neck of Mr. Farmer?</p> <p>15 A. In my -- I guess this would be my</p> <p>16 opinion, at that point the first arriving officer,</p> <p>17 which would have been Sergeant Crumrine at the</p> <p>18 time, would -- his main concern would have been to</p> <p>19 place Farmer into custody.</p> <p>20 Q. I understand that, but I'm saying that he</p> <p>21 was close enough that if he wished to for some</p> <p>22 reason, he could have reached out and pulled</p> <p>23 Officer Lopera's hands away from Mr. Farmer's</p> <p>24 throat?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 65</p> <p>1 his -- the non-encircling arm placed on the head of</p> <p>2 Mr. Farmer?</p> <p>3 A. Yes, sir.</p> <p>4 Q. You just don't remember if that is what</p> <p>5 you saw or something else?</p> <p>6 A. Correct.</p> <p>7 Q. So it could have been to the back of his</p> <p>8 head?</p> <p>9 A. Yes, sir.</p> <p>10 Q. All right. You just don't remember?</p> <p>11 A. Yes, sir.</p> <p>12 Q. The palm on the forehead is, as you</p> <p>13 understand it, inconsistent with the application of</p> <p>14 a lateral vascular neck restraint?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Take a look at the bottom of the page 5</p> <p>17 of 8. It says -- it's an interview, or discussion,</p> <p>18 if you will, between Officer Lopera and Sergeant</p> <p>19 Crumrine; is that correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And Officer Lopera states that he was --</p> <p>22 he states, "He was getting coffee when he was</p> <p>23 approached by a guy who said someone was following</p> <p>24 him. Officer Lopera then stated the male ran away</p> <p>25 from the officers and outside the hotel. As</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 66</p> <p>1 Officer Lopera was chasing the male, he attempted 2 to gain access into the bed of a truck, at which 3 time Officer Lopera tased him. Farmer attempted to 4 pull the ECD wires out, and Officer Lopera said," 5 quote, "I choked him out," close quote. 6 Now, the words "I choked him out" are in 7 quotation marks. Is that because you heard them 8 stated by Officer Lopera in that interview? 9 A. Yes, sir. 10 Q. Now, did Officer Lopera at any time 11 explain to Sergeant Crumrine in that conversation 12 why he chased the guy after he ran away from him? 13 Not prior to the time of the -- he says he 14 attempted to hijack or carjack the truck, but just 15 chased him. Did he ever -- 16 A. No, sir. 17 Q. -- explain that? Okay. 18 At 6:38, "Officer Lopera told Officer 19 Flores and Officer Rybacki during the conversation 20 he stated," quote, "I started wailing on the dude, 21 and then I rear mounted and choked him out," close 22 quote. 23 Those statements are in quotation marks 24 on either side. 25 Did you hear him -- "him" being</p>	<p style="text-align: right;">Page 68</p> <p>1 During the conversation, Officer Lopera told her," 2 quote, "I started punching him. Rear nakeded his 3 ass. He went out," close quote. 4 Now, those words are in quotation marks. 5 Is that because you heard Officer Lopera state 6 those on the tape? 7 A. Yes, sir. 8 Q. And by "rear nakeding his ass," did you 9 understand that to mean a rear naked choke? 10 A. Yes, sir. 11 Q. At 11:25, "Officer Rybacki approached 12 Officers Tran and Flores. One of the officers 13 stated," quote, "He was out when we got here," 14 close quote, referring to Farmer. 15 Did you hear the officer say that on the 16 tape? 17 A. Yes, sir. 18 Q. Now, Officer Flores has said that he made 19 that statement. You couldn't tell whether it was 20 Tran or Flores -- 21 A. No, sir. 22 Q. -- who made the statement? 23 Let me direct you, please, back to 4 of 24 8. At 2:37, it says, "Officer Lopera put both his 25 hands on Farmer's head."</p>
<p style="text-align: right;">Page 67</p> <p>1 Officer Lopera -- state those words on the tape? 2 A. Yes, sir. 3 Q. Then at 7:02, "Officer Lopera told 4 Officer Leaf," quote, "He tried to get in 5 somebody's truck, so I tased him and choked him 6 out" -- 7 A. Yes, sir. 8 Q. -- close quotes. 9 Those words are in quotation marks. Did 10 you hear Officer Lopera state those on the tape? 11 A. Yes, sir. 12 Q. At 7:41, it says, "Officer Lopera tells 13 another officer," quote, "I tased him, fought a 14 little bit and choked him out," close quote. 15 Those are in quotation marks, those 16 words, "I tased, fought a little bit and choked him 17 out." Are those in quotation marks because you 18 heard Officer Lopera say those things? 19 A. Yes, sir. 20 Q. Do you know who the other officer was 21 that he was talking to? 22 A. I do not. 23 Q. At 9:34, which is 9 minutes and 34 24 seconds after the start of the body-worn camera, it 25 says, "Officer Lopera talked to Officer Lif again.</p>	<p style="text-align: right;">Page 69</p> <p>1 Did you see that? 2 A. Yes, sir. 3 Q. Where did he place both of the hands? 4 A. If you're looking for very specific 5 positioning, I'd have to look at the tape again. 6 But I remember that as he was on Farmer's back, it 7 was almost like to hold him down, both hands were 8 placed on Farmer's head. 9 Q. Jumping forward to the next page, it says 10 at 2:58, "Officer Lopera appeared to put Farmer in 11 some type of neck restraint." 12 A. Yes, sir. 13 Q. That's your observation, when you say 14 "some type of neck restraint"? 15 A. Yes, sir. 16 Q. But if I understood your previous 17 testimony, you did not believe it was a lateral 18 vascular neck restraint? 19 A. Yes, sir. 20 Q. From 2:58 until 4:11, at any time did you 21 see Officer Lopera put and use his head to put his 22 pressure up against the head of Mr. Farmer, as you 23 would do in employing a lateral vascular neck 24 restraint? 25 A. No, sir.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 70</p> <p>1 Q. And that's in part why you believe that</p> <p>2 it was not a lateral vascular neck restraint?</p> <p>3 A. From the video angle that we have, as far</p> <p>4 as placement of the head, that's very hard to</p> <p>5 determine whether or not the hand was using</p> <p>6 pressure or not.</p> <p>7 My main reasoning for not believing that</p> <p>8 it was an LVNR was hand placement.</p> <p>9 Q. Right. Okay. As you stated</p> <p>10 previously?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Did you believe Officer Lopera's five</p> <p>13 statements that he made, that he was -- choked him</p> <p>14 out?</p> <p>15 A. Yes, sir.</p> <p>16 Q. That he himself believed that he was</p> <p>17 employing a rear naked choke?</p> <p>18 A. Yes, sir.</p> <p>19 MR. McNUTT: Objection to form.</p> <p>20 BY MR. SAYRE:</p> <p>21 Q. Okay, please, back to page 4 of 8,</p> <p>22 please.</p> <p>23 At 2:40, "Officer Lopera told Farmer,"</p> <p>24 quote, "Get on your stomach," close quote.</p> <p>25 And you observed, or state, "Farmer was</p>	<p style="text-align: right;">Page 72</p> <p>1 to the next page, 2:47, "Officer Lopera told</p> <p>2 Farmer, 'Get on your stomach.' Farmer was," as</p> <p>3 your comment, "was observed laying on his stomach";</p> <p>4 is that correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. At 2:15, "Officer Lopera told Farmer,</p> <p>7 'Get on your stomach.'"</p> <p>8 And you again state, "Farmer was observed</p> <p>9 laying on his stomach."</p> <p>10 2:52, "Officer Lopera told Farmer, 'Get</p> <p>11 on your hand -- 'Get on your stomach.'"</p> <p>12 And again you state, "Farmer was observed</p> <p>13 lying on his stomach"; correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Let me direct you, please, to page 7 of</p> <p>16 8. It states, fifth paragraph down, "Officer</p> <p>17 Lopera began issuing verbal commands to Farmer;</p> <p>18 however, the longest time between cycles of the ECD</p> <p>19 was six seconds. Officer Lopera told Farmer to get</p> <p>20 on his stomach several times, but never gave Farmer</p> <p>21 a reasonable opportunity to comply with commands</p> <p>22 before cycling the ECD again. Officer Lopera's</p> <p>23 verbal commands also contradicted each other,</p> <p>24 telling Farmer," quote, "Don't move," close</p> <p>25 quote, "followed by a command to," quote, "Get on</p>
<p style="text-align: right;">Page 71</p> <p>1 observed laying on his stomach. He appeared to be</p> <p>2 in compliance."</p> <p>3 A. Yes, sir.</p> <p>4 Q. At 2:42, "Officer Lopera told Farmer,</p> <p>5 'Get on your stomach.'"</p> <p>6 And you again state, "Farmer was observed</p> <p>7 lying on his stomach. He appeared to be</p> <p>8 complying."</p> <p>9 Was he tasing him during this time?</p> <p>10 Apparently not, because at 2:33, it says,</p> <p>11 "Officer Lopera holstered his ECD," so I just</p> <p>12 answered my own question.</p> <p>13 (Court reporter requests clarification.)</p> <p>14 MR. SAYRE: At 2:33, "Officer Lopera</p> <p>15 holstered his ECD."</p> <p>16 THE WITNESS: The way that I would have</p> <p>17 to answer that question is based on this. I would</p> <p>18 have to compare it to other documents that we have,</p> <p>19 to say exactly.</p> <p>20 I believe that a lot of this was in</p> <p>21 between the cycles; but to say definitively, right</p> <p>22 now, without supporting documentation, I don't</p> <p>23 know.</p> <p>24 BY MR. SAYRE:</p> <p>25 Q. Okay. Then at 2:45 -- sorry, going over</p>	<p style="text-align: right;">Page 73</p> <p>1 your stomach," close quote. These are your</p> <p>2 observations?</p> <p>3 A. Yes, sir. Right.</p> <p>4 Q. And would these conflicting commands be</p> <p>5 contrary to policy?</p> <p>6 MR. ANDERSON: Objection, form.</p> <p>7 THE WITNESS: I don't know, contrary to</p> <p>8 policy --</p> <p>9 BY MR. SAYRE:</p> <p>10 Q. Yeah.</p> <p>11 A. -- but some of his commands contradicted</p> <p>12 themselves.</p> <p>13 Q. Is that poor tactics?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Are they tactics that are outside of</p> <p>16 policy?</p> <p>17 MR. ANDERSON: Objection, form.</p> <p>18 Go ahead and answer.</p> <p>19 THE WITNESS: Well, I don't know if</p> <p>20 specifically outside of policy. The commands</p> <p>21 are -- they're reasonable commands. But when he</p> <p>22 was giving the command to "Get on your stomach"</p> <p>23 several times, Farmer was already on his stomach.</p> <p>24 And then he would tell him, "Don't move" or "Stop,"</p> <p>25 but then tell him to place his hands behind his</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 74</p> <p>1 back. So the commands just contradicted 2 themselves. 3 BY MR. SAYRE: 4 Q. It made it impossible for the civilian to 5 appropriately respond to the commands? 6 A. I believe so. 7 Q. The last paragraph says on this page, 8 "After striking Farmer in the head, Officer Lopera 9 performed what he described as a," quote, "rear 10 naked choke," closed quote. "This technique is 11 not taught or approved by the LVMPD. The LVMPD 12 employs the lateral vascular neck restraint. The 13 LVNR is a neck restraint which can render a subject 14 unconscious by stopping blood flow to the brain by 15 compressing the carotid arteries and does not 16 restrict the subject's airflow. Officer Lopera 17 held the," quote, "rear naked choke," closed 18 quote, "for one minute and 13 seconds. Officer 19 Lopera also held the," quote, "rear naked choke," 20 closed quote, "for 44 seconds, after being told to 21 let go by Officer Tran. LVMPD's policy states that 22 LVNR will only be used in accordance with policy 23 and department training." 24 Now, you have quotation marks around 25 "rear naked choke." Is that because you're using</p>	<p style="text-align: right;">Page 76</p> <p>1 "was committed. The force used consisted of the 2 ECD, empty hand strikes to the head and a choke 3 hold." 4 That is a statement of your conclusions; 5 correct? 6 A. Yes, sir. 7 Q. First thing is, he did not have 8 sufficient authority for a detention? 9 A. Yes, sir. 10 Q. Right. He did not -- secondly, he 11 initiated a foot pursuit without sufficient reason 12 to do so? 13 A. Yes, sir. 14 Q. Thirdly, he detained Farmer without 15 sufficient basis for doing so? 16 A. Yes, sir. 17 Q. Fourthly, he used force outside his 18 training and Department policy, which resulted in 19 Farmer's death? 20 A. Yes, sir. 21 MR. McNUTT: Objection, form. 22 BY MR. SAYRE: 23 Q. And the form -- sorry -- and the form 24 included Taser? 25 A. Yes, sir.</p>
<p style="text-align: right;">Page 75</p> <p>1 it to indicate that's what Officer Lopera said he 2 was using? 3 A. Yes, sir. 4 Q. Not that it was your conclusion he was 5 using it? 6 A. Yes, sir. 7 Q. Because you have not come to an opinion 8 about whether or not he was using a rear naked 9 choke? 10 A. Yes, sir. 11 Q. You have come to a conclusion that, based 12 upon your knowledge, training, and experience, and 13 your observations, he was not using a lateral 14 vascular neck restraint? 15 A. Yes, sir. 16 Q. Next page -- last page -- "Due to the 17 fact that Officer Lopera, who was on duty and 18 acting in the official capacity of a Police 19 Officer, attempted to detain Farmer inside the 20 Venetian Hotel without sufficient legal authority 21 for the detention, initiated a hot foot pursuit of 22 Farmer, resulted in Farmer being detained, using 23 force outside his training and Department policy, 24 which resulted in Farmer's death, the crime of 25 Oppression Under the Color of Office," I guess,</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. Hand strikes to the head? 2 A. Yes, sir. 3 Q. And the choke hold? 4 A. Yes, sir. 5 Q. Whatever the choke hold was? 6 A. Yes, sir. 7 Q. And in the final paragraph, you say, 8 "Officer Lopera referred to the restraint as a," 9 quote, "rear naked choke," close quote, "which is 10 not authorized by the LVMPD, and, therefore, 11 Officer Lopera committed the crime of involuntarily 12 manslaughter." 13 So you sent a recommendation to the 14 district attorney to criminally prosecute Officer 15 Lopera? 16 A. Yes, sir. 17 Q. Okay. And -- 18 A. That wasn't based just on the hold, 19 though; it was the event in totality. 20 Q. In the totality of circumstances? 21 A. Yes, sir. 22 Q. Now, you -- I'm not asking what you 23 testified to, but I just want to know, you have 24 testified in the grand jury proceedings? 25 A. Yes, sir.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 78</p> <p>1 Q. Okay.</p> <p>2 MR. SAYRE: And that's all. I've got</p> <p>3 nothing further.</p> <p>4 MR. McNUTT: I got a few questions for</p> <p>5 you, unless you need to take a break or anything.</p> <p>6 THE WITNESS: No, I'm good.</p> <p>7 EXAMINATION</p> <p>8 BY MR. McNUTT:</p> <p>9 Q. You have been partners with Detective</p> <p>10 Colon; is that correct? Colon --</p> <p>11 A. Colon.</p> <p>12 Q. And you're both detectives; correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Does he work for you or you're equal?</p> <p>15 A. We're equal.</p> <p>16 Q. So if something gets assigned to you,</p> <p>17 either one of you can figure out to divide up the</p> <p>18 work?</p> <p>19 A. Yes, sir.</p> <p>20 Q. But you were the lead on this</p> <p>21 investigation?</p> <p>22 A. Yes, sir.</p> <p>23 Q. So is there anything that Officer Colon</p> <p>24 will know that you don't know?</p> <p>25 A. There may be small -- something small</p>	<p style="text-align: right;">Page 80</p> <p>1 restraint that was used in this case, you or</p> <p>2 Officer Bland?</p> <p>3 MR. SAYRE: Objection. Lack of</p> <p>4 foundation.</p> <p>5 THE WITNESS: Honestly don't know how to</p> <p>6 answer that question --</p> <p>7 BY MR. McNUTT:</p> <p>8 Q. Okay.</p> <p>9 A. -- due to the fact that -- do you want me</p> <p>10 to continue?</p> <p>11 Q. Yeah, sure, go ahead.</p> <p>12 A. -- due to the fact that I would say we're</p> <p>13 both reviewing videos to try to determine that.</p> <p>14 Q. Okay. Let me ask it a different way.</p> <p>15 Do you have any martial-arts training?</p> <p>16 A. No, sir.</p> <p>17 Q. Do you hold any belts in any type of</p> <p>18 martial arts at all?</p> <p>19 A. No, sir.</p> <p>20 Q. What is the extent of your training in</p> <p>21 the lateral vascular neck restraint?</p> <p>22 A. The training I received on the</p> <p>23 Department.</p> <p>24 Q. And is that four hours a year?</p> <p>25 A. I don't know the specific amount of hours</p>
<p style="text-align: right;">Page 79</p> <p>1 that he specifically remembers that I don't, but I</p> <p>2 would say that we are both -- we both had a hand in</p> <p>3 the investigation.</p> <p>4 Q. Were there any tasks that he specifically</p> <p>5 did that you were not involved in, such as</p> <p>6 interviewing people or something like that?</p> <p>7 A. I specifically don't recall.</p> <p>8 Q. Do you know who Sergeant Michael Bland</p> <p>9 is?</p> <p>10 A. Yes, sir.</p> <p>11 Q. How do you know him?</p> <p>12 A. He's a -- he used to be a trainer for use</p> <p>13 of force for the department, before his promotion.</p> <p>14 I don't know if he still acts in that capacity or</p> <p>15 not.</p> <p>16 Q. Do you know him just through work or do</p> <p>17 you know him personally as well?</p> <p>18 A. Just through work.</p> <p>19 Q. Have you ever trained with him?</p> <p>20 A. No, sir, I have not. Well, I -- he's</p> <p>21 been a part of training staff when I've attended</p> <p>22 training; as far as him -- actually going through</p> <p>23 training with him, I honestly don't recall.</p> <p>24 Q. Who would be more knowledgeable about the</p> <p>25 type of choke hold that was used or the neck</p>	<p style="text-align: right;">Page 81</p> <p>1 that it's supposed to be, but whatever that amount</p> <p>2 is.</p> <p>3 Q. When is the last time you participated in</p> <p>4 training with Metro regarding the lateral vascular</p> <p>5 neck restraint?</p> <p>6 A. The last time it was on the curriculum</p> <p>7 for training.</p> <p>8 Q. How long ago was that?</p> <p>9 A. I know it was during -- I believe it's</p> <p>10 every -- I believe the LVNR is on the training</p> <p>11 every quarter, so it would be four times a year.</p> <p>12 Q. And so you've done it twice so far this</p> <p>13 year?</p> <p>14 A. Yes, sir.</p> <p>15 Q. You've had training blocks, so that</p> <p>16 included that twice this year?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Are you aware of Officer Bland's</p> <p>19 background in martial arts or his qualifications to</p> <p>20 teach use of force for Metro?</p> <p>21 A. I know it's extensive.</p> <p>22 Q. Would you think that -- between you or</p> <p>23 him, who knows more about martial arts or the</p> <p>24 lateral vascular neck restraint?</p> <p>25 A. Him.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 82</p> <p>1 MR. SAYRE: Objection, calls for 2 speculation. 3 BY MR. McNUTT: 4 Q. Your position is -- I'm sorry, what was 5 the answer? 6 A. Would be Sergeant Bland. 7 Q. From your perspective, reviewing the 8 videos, and whether it was the overhead video -- 9 and when I say videos, I mean cumulatively, all the 10 videos. You understand that? 11 A. Yes, sir. 12 Q. -- can you tell how much pressure Officer 13 Lopera applied to the suspect? 14 A. No, sir. 15 Q. And when I say pressure, I'm talking 16 about with respect to the neck restraint. Did you 17 understand that? 18 A. Yes, sir. 19 Q. Can you tell when he began to apply 20 pressure, from watching the videos? 21 A. No, sir. 22 Q. Can you tell whether or not he applied 23 pressure the entire time that, as you testified, he 24 had the hold in place? 25 A. No, sir.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Isn't it true that a rear naked choke, in 2 your opinion and your understanding, a restricted 3 blood flow into the head? 4 A. Yes, sir. 5 Q. And neither one are designed, in your 6 opinion or your knowledge, to restrict airway? 7 A. Correct. 8 Q. Have you ever investigated any other 9 officers that have deployed or utilized a choke 10 hold of any kind? 11 A. No, sir. 12 Q. Including the LVNR? 13 A. No, sir. 14 Q. So this is the first time you've 15 investigated the officer use of an LVNR? 16 A. Yes, sir. 17 Q. Do civilians use the LVNR? 18 A. I don't know. 19 Q. Is the LVNR a -- do you know if the LVNR 20 is a trademark or specific technique taught to law 21 enforcement? 22 A. I believe it is. 23 Q. Have you ever heard of a gentleman named 24 Jim Lindell -- 25 A. No, sir.</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Can you determine the angle of his elbow, 2 which indicates that it's an LVNR 1, 2, or 3 -- 3 A. No, sir. 4 Q. -- from the videos? 5 A. No, sir. 6 Q. Now, you testified that the reason you 7 believe it was not an LVNR is due to the hand 8 placement that was on the head; is that correct? 9 A. Just for the LVNR, the hands are clasped 10 together, and that was not observed in the video. 11 Q. Is it possible that it was an improperly 12 applied LVNR? 13 MR. SAYRE: Objection, calls for 14 speculation. 15 THE WITNESS: I honestly don't know. But 16 based on the hand placement, the hand placement is 17 key for what the Department teaches as far as the 18 LVNR. And not seeing the hands clasped and the 19 other hand on the forehead, that's not technically 20 what is taught as an LVNR. 21 BY MR. McNUTT: 22 Q. Isn't it true that a lateral vascular 23 neck restraint restricts the blood flow to the 24 head? 25 A. Yes, sir.</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. -- as the founder of -- Metro's documents 2 are that he's the founder of this technique. 3 You testified earlier in response to 4 Mr. Sayre's questioning regarding that you learned 5 escapes from a rear naked choke; is that correct? 6 A. Yes, sir. 7 Q. But you do not learn an escape technique 8 from the lateral vascular neck restraint -- 9 A. I guess -- 10 Q. -- is that right? 11 A. -- my comment may have been a little too 12 specific. 13 We are taught escapes from somebody 14 holding you in a hold from the rear, so it may not 15 be specifically rear naked choke, LVNR; but it's a 16 -- from -- an escape from being held from the rear. 17 Q. So if you only learn one technique to 18 escape a choke hold from the rear, is it safe to 19 say that the rear naked choke and the lateral 20 vascular neck restraint are similar enough that you 21 only have to learn one technique to escape the 22 hold? 23 A. Not being a mixed martial arts person, I 24 couldn't answer that. 25 Q. But nonetheless, Metro only teaches you</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 86</p> <p>1 one method to escape either a rear naked choke or a</p> <p>2 lateral vascular neck restraint; correct?</p> <p>3 A. I wouldn't say that's true. I would say</p> <p>4 over the course of training, over 20 years, there's</p> <p>5 -- you're taught different ways to escape it. I</p> <p>6 wouldn't say there's one way to escape that hold.</p> <p>7 Q. Is the escape similar?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Do you remember which arm Officer Lopera</p> <p>10 had encircling the neck of the suspect?</p> <p>11 A. Based on video, left arm.</p> <p>12 Q. Do you think Officer Lopera had an intent</p> <p>13 to apply a neck restraint other than the LVNR?</p> <p>14 A. I can only base that on statements that</p> <p>15 he made, which were that it was a rear naked</p> <p>16 choke.</p> <p>17 Q. Did he ever say that actual phrase, "I</p> <p>18 utilized a rear naked choke," as it's in quote --</p> <p>19 and we'll come to that later -- or are you</p> <p>20 interpreting, when he says, "I choked him out," as</p> <p>21 you're interpreting that as a rear naked choke?</p> <p>22 A. That's interpretation based on his</p> <p>23 statements, consistent throughout.</p> <p>24 Q. Okay. We'll come to those later.</p> <p>25 When applying an LVNR, do suspects -- is</p>	<p style="text-align: right;">Page 88</p> <p>1 there is pressure from the officer's head to the</p> <p>2 back of the suspect's neck. Do you remember</p> <p>3 that?</p> <p>4 A. Back of his head.</p> <p>5 Q. Back of his head. So you remember</p> <p>6 that?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Since you corrected me, you definitely</p> <p>9 remember; right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. What's the distinction between using your</p> <p>12 head to put pressure on the back of a suspect's</p> <p>13 head versus using your hand if there was pressure</p> <p>14 utilized from the hand? What's the distinction?</p> <p>15 A. That's just the way that the LVNR is</p> <p>16 taught.</p> <p>17 Q. But the LVNR is taught to utilize the</p> <p>18 officer's head to put pressure on the back of the</p> <p>19 suspect's head?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And that is to -- strike that.</p> <p>22 You testified that after the tasing did</p> <p>23 not work, you said something to the effect, He</p> <p>24 should utilize a different tool. Do you remember</p> <p>25 that?</p>
<p style="text-align: right;">Page 87</p> <p>1 it your understanding that suspects always comply?</p> <p>2 A. No.</p> <p>3 Q. Do you know any officers who have -- not</p> <p>4 necessarily you investigated, because you said you</p> <p>5 haven't investigated any -- but do you know any</p> <p>6 officers who have utilized the LVNR or any neck</p> <p>7 restraint on a suspect?</p> <p>8 A. Yes.</p> <p>9 Q. How many?</p> <p>10 A. Handful.</p> <p>11 Q. Have you ever talked to them about their</p> <p>12 experience?</p> <p>13 A. No, sir.</p> <p>14 Q. Were they friends of yours or just</p> <p>15 acquaintances?</p> <p>16 A. Just people I've worked with in the</p> <p>17 past.</p> <p>18 Q. And you discussed this with Mr. Sayre,</p> <p>19 but you don't recall -- is it your testimony --</p> <p>20 just tell me what your testimony is about bruising</p> <p>21 around the neck. Do you know whether it's typical</p> <p>22 to have bruising around the neck area if an LVNR is</p> <p>23 used?</p> <p>24 A. I don't know.</p> <p>25 Q. You testified that when utilizing an LVNR</p>	<p style="text-align: right;">Page 89</p> <p>1 A. Yes, sir.</p> <p>2 Q. At what point, in your opinion, should</p> <p>3 Officer Lopera have utilized a different tool, and</p> <p>4 what is that tool?</p> <p>5 A. Well, the only thing that I can base that</p> <p>6 off of is policy, which states that after three</p> <p>7 cycles of the Taser, the officer should deem that</p> <p>8 tool ineffective and move to a different tool.</p> <p>9 I was not there, so I couldn't say what I</p> <p>10 think he should have done. I can just base that</p> <p>11 off of what policy says.</p> <p>12 Q. Do you have an opinion as to what tool he</p> <p>13 should have went to?</p> <p>14 A. No, sir.</p> <p>15 Q. Was it unreasonable for him to make</p> <p>16 physical contact with the suspect as one of the</p> <p>17 tools?</p> <p>18 A. No, sir.</p> <p>19 Q. It was not unreasonable; correct?</p> <p>20 A. Well, based on whatever his perception</p> <p>21 was, and I don't know that because he didn't give</p> <p>22 us a statement, but he obviously felt he needed to</p> <p>23 take that person into custody.</p> <p>24 In order to take that person into</p> <p>25 custody, at some point you're going to have to make</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 90</p> <p>1 physical contact with that person.</p> <p>2 Q. Do you understand that Metro's policies</p> <p>3 are a hard-and-fast rule that can never be</p> <p>4 violated, or they can be modified in special</p> <p>5 situations?</p> <p>6 MR. SAYRE: Objection, ambiguous as to</p> <p>7 which policies.</p> <p>8 THE WITNESS: There are --</p> <p>9 BY MR. McNUTT:</p> <p>10 Q. Use of force policies?</p> <p>11 A. -- exceptions for policies.</p> <p>12 Q. Officer Bland -- Sergeant Bland testified</p> <p>13 that one instance where someone could utilize an</p> <p>14 ECD or a Taser more than the Department policy is</p> <p>15 if it's an officer that was by themselves with no</p> <p>16 back-up and was significantly outsized by the</p> <p>17 suspect. And he said it would not be a problem for</p> <p>18 them to continue to utilize the Taser under that</p> <p>19 scenario.</p> <p>20 Do you disagree with that?</p> <p>21 A. No, sir.</p> <p>22 Q. When Officer Lopera was utilizing the</p> <p>23 Taser in this instance, did he have any back-up</p> <p>24 with him at that time?</p> <p>25 A. From Metro?</p>	<p style="text-align: right;">Page 92</p> <p>1 THE WITNESS: Do you want me to answer</p> <p>2 it?</p> <p>3 MR. SAYRE: Yeah.</p> <p>4 THE WITNESS: I can tell you that in my</p> <p>5 experience they have been helpful and they have not</p> <p>6 been helpful. It depends on the guard. It depends</p> <p>7 on the circumstances.</p> <p>8 BY MR. McNUTT:</p> <p>9 Q. If a suspect runs away from an officer,</p> <p>10 is it permitted for the officer to pursue the</p> <p>11 suspect?</p> <p>12 A. I guess, is it permitted? Yes, with</p> <p>13 sufficient legal justification.</p> <p>14 It's not normal for somebody that you</p> <p>15 make contact with to just run away from the police.</p> <p>16 But at the same time, if you have no legal, lawful</p> <p>17 reason to detain that person ...</p> <p>18 Q. What if you believe the person was under</p> <p>19 the influence of illegal narcotics, and the person</p> <p>20 ran away from you, would that be justification to</p> <p>21 pursue?</p> <p>22 I'm looking for a yes or no here.</p> <p>23 A. No.</p> <p>24 Q. Why not?</p> <p>25 A. Well, I guess --</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. From Metro.</p> <p>2 A. No.</p> <p>3 Q. Did he have any assistance from anyone at</p> <p>4 that time?</p> <p>5 A. Security guards for the Venetian.</p> <p>6 Q. Do you remember when the security guards</p> <p>7 from the Venetian approached him or made it to his</p> <p>8 location where he and Tashii Farmer were in the</p> <p>9 struggle?</p> <p>10 A. If I recall correctly from the video, at</p> <p>11 some point during the ECD cycles, security guards</p> <p>12 were around. To say specifically at exactly what</p> <p>13 moment that was, off the top of my head I don't</p> <p>14 remember.</p> <p>15 Q. Did you think the Venetian security</p> <p>16 guards were very helpful to Officer Lopera?</p> <p>17 MR. SAYRE: Ambiguous as to very helpful.</p> <p>18 BY MR. McNUTT:</p> <p>19 Q. Do you understand what I mean?</p> <p>20 A. Based on the video, I don't know.</p> <p>21 Q. Is it your opinion that hotel security</p> <p>22 guards are very useful when Metro is apprehending</p> <p>23 someone?</p> <p>24 MR. SAYRE: Objection, lacks</p> <p>25 foundation.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. Are you familiar with the Supreme Court</p> <p>2 case Illinois v. Wardlow?</p> <p>3 A. At what point do you know that somebody</p> <p>4 is under the influence of a controlled substance?</p> <p>5 Q. Well, do you have a reasonable belief, as</p> <p>6 an officer on the street with experience? If</p> <p>7 that's your reasonable belief and perception, and</p> <p>8 that the person flees, do you have the right to</p> <p>9 pursue, as a Metro officer?</p> <p>10 A. Yes.</p> <p>11 Q. Are you familiar with Illinois v.</p> <p>12 Wardlow?</p> <p>13 A. I'm not.</p> <p>14 Q. If --</p> <p>15 MR. SAYRE: Neither is Bland.</p> <p>16 BY MR. McNUTT:</p> <p>17 Q. If the --</p> <p>18 MR. SAYRE: Five minutes. We're going to</p> <p>19 give you five minutes.</p> <p>20 BY MR. McNUTT:</p> <p>21 Q. If the officer perceived or believed that</p> <p>22 the suspect was on drugs, the suspect ran away from</p> <p>23 him, and the suspect went into an unauthorized area</p> <p>24 of an hotel not open to civilians or nonhotel</p> <p>25 employees, would that also give rise to the right</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 94</p> <p>1 of the officer to pursue the suspect?</p> <p>2 A. Yes.</p> <p>3 Q. Are you aware that -- do you remember</p> <p>4 Officer Leaf testifying or being interviewed and</p> <p>5 discussing the fact that Tashii Farmer was sweating</p> <p>6 profusely?</p> <p>7 A. Yes.</p> <p>8 Q. Do you remember her discussing anything</p> <p>9 about the belief that he was on drugs?</p> <p>10 A. I do not.</p> <p>11 Q. Do you remember any of the other officers</p> <p>12 stating either to you in an interview or on body</p> <p>13 cams that he was, quote/unquote, on something?</p> <p>14 A. There was a statement by one of the</p> <p>15 officers towards the conclusion of the event that</p> <p>16 he was on something, but it's never really</p> <p>17 specifically said who that person was talking</p> <p>18 about.</p> <p>19 Q. Are you aware of whether or not</p> <p>20 Mr. Farmer had methamphetamines or amphetamines in</p> <p>21 his system, now, sitting here today?</p> <p>22 A. Yes.</p> <p>23 Q. What did he have in his system?</p> <p>24 A. I believe it was methamphetamine</p> <p>25 metabolites, but without looking at the toxicology</p>	<p style="text-align: right;">Page 96</p> <p>1 THE WITNESS: I couldn't answer that</p> <p>2 question.</p> <p>3 BY MR. McNUTT:</p> <p>4 Q. You did not interview -- well, did you</p> <p>5 interview Jonathan Pierce?</p> <p>6 A. No, sir.</p> <p>7 Q. The gentleman driving the white Toyota</p> <p>8 pickup truck?</p> <p>9 A. No, sir.</p> <p>10 Q. Did you review -- we had some discussion,</p> <p>11 there is a transcript of his phone interview,</p> <p>12 apparently. We used it in his deposition.</p> <p>13 Have you read that, now that you've kind</p> <p>14 of been refreshed that there is one?</p> <p>15 A. I don't remember it specifically; but if</p> <p>16 there is a transcript, I did read it.</p> <p>17 Q. You would have reviewed it in the course</p> <p>18 of --</p> <p>19 A. Yes, sir.</p> <p>20 Q. -- preparing the arrest report?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Do you recall him stating anything about</p> <p>23 locking the doors of his truck when he saw Tashii</p> <p>24 Farmer approaching?</p> <p>25 A. I believe I remember that.</p>
<p style="text-align: right;">Page 95</p> <p>1 report, I don't remember levels or specifically</p> <p>2 what it was.</p> <p>3 Q. Do you recall that Mr. Farmer fled into</p> <p>4 what some people refer to as the back of the house</p> <p>5 of the casino or employee-only area?</p> <p>6 A. I couldn't say that it was an</p> <p>7 employee-only area. All I know is that it was a</p> <p>8 stairwell marked with an exit sign.</p> <p>9 Q. Have you been to the Venetian and</p> <p>10 traveled the route that Officer Lopera and Tashii</p> <p>11 Farmer went through the hotel?</p> <p>12 A. The night of the incident, we went up</p> <p>13 there.</p> <p>14 Q. And was it your opinion that that area</p> <p>15 was available to civilians, to nonhotel</p> <p>16 employees?</p> <p>17 A. Again, it was marked with an illuminated</p> <p>18 exit sign.</p> <p>19 Q. And is that an emergency exit sign or is</p> <p>20 that an exit for all hotel guests?</p> <p>21 A. The sign that was illuminated above the</p> <p>22 door didn't say emergency exit, it just said exit.</p> <p>23 Q. Do exit signs always say emergency exit</p> <p>24 if they're an emergency?</p> <p>25 MR. SAYRE: Lack of foundation.</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Why did he do that, if you recall?</p> <p>2 A. If I remember correctly, it was because</p> <p>3 he said he was nervous.</p> <p>4 Q. Isn't it true that he said he was</p> <p>5 fearful?</p> <p>6 A. I'd have to review the transcript.</p> <p>7 Q. I'll read the transcript -- I'll read it</p> <p>8 to you.</p> <p>9 THE VIDEOGRAPHER: Counsel, I've got</p> <p>10 about a minute left.</p> <p>11 MR. McNUTT: Sure, let's take a break --</p> <p>12 THE VIDEOGRAPHER: Yeah, thank you.</p> <p>13 MR. McNUTT: -- and switch it up.</p> <p>14 THE VIDEOGRAPHER: This marks the end of</p> <p>15 media 1 of the deposition of Detective Trevor</p> <p>16 Alsup. And we are off record at 12:19 p.m.</p> <p>17 (Break taken.)</p> <p>18 THE VIDEOGRAPHER: We are back on the</p> <p>19 record at 12:22 p.m., and this marks the beginning</p> <p>20 of media 2 of the deposition of Detective Trevor</p> <p>21 Alsup.</p> <p>22 BY MR. McNUTT:</p> <p>23 Q. Detective, you know, I'm going to go</p> <p>24 ahead and read from Jonathan Pierce's interview</p> <p>25 that he gave to Metro. And I'm reading from the</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 98</p> <p>1 bottom of page -- Bates-marked LVMPD1696, and we'll 2 go over to 1697. 3 He says, "I don't know if he was trying 4 to get in or what he was, if he was just running. 5 But I locked my door out of, I guess, fear of the 6 guy trying to come in because of all the 7 excitement." 8 Do you remember reading that, now that 9 I've read that out loud? 10 A. Vaguely. 11 Q. But in your arrest report, you reduced 12 his word of being fearful to nervous. Is there a 13 reason you think those are synonyms? 14 A. What is the date of that interview? 15 Q. 5/16. So May 16th, at 1830 hours, which 16 is two days after the incident? 17 A. So he was talked to the night of the 18 incident, or shortly after the incident; and then 19 another interview was conducted. So what's in this 20 report is based on the initial conversation; that's 21 a subsequent interview. 22 Q. So someone from your team interviewed him 23 the night of the incident? 24 A. I don't remember exactly when. It was 25 shortly after.</p>	<p style="text-align: right;">Page 100</p> <p>1 have a few follow-ups of some original questions, I 2 think. 3 You referenced Sergeant Abdal-Karim, and 4 he is the individual that briefed you when you 5 arrived, and your team? 6 A. Yes, sir. 7 Q. Did he brief the whole team or just you? 8 A. The whole team. 9 Q. Who is he? Why was he there? 10 A. Typically what happens when we arrive on 11 a scene, we'll get a briefing from somebody that 12 has done as much of a preliminary investigation as 13 they can before we get there, just gathering facts 14 for us. 15 Q. Is he a patrol officer? 16 A. I believe he's a patrol sergeant. 17 Q. Okay. So he was just a guy that got to 18 the scene and started to assess the situation? 19 A. Yes. 20 Q. And so he was the point of contact. Does 21 anyone appoint him the point of contact to you guys 22 or how do -- 23 A. Typically it's -- what happens is the 24 person with the most knowledge, besides somebody 25 that's involved, just starts gathering information</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. Okay. The same day or the same -- 2 A. Yes. 3 Q. -- 24 hours? 4 A. So anything that's in my arrest report 5 would be based on knowledge that was -- when this 6 was authored, and this -- 7 Q. And -- 8 A. Sorry. 9 Q. -- when was this authored? 10 A. I think I just misspoke on something. 11 (Witness reviewing document.) 12 To answer your question, I guess in one 13 part he said "nervous," in another part he said 14 "fearful." I don't have a definitive answer for 15 your question. 16 Q. Okay. The other question was actually 17 pending. When was the arrest report prepared? 18 A. That was in June. 19 Q. So at the time you prepared the arrest 20 report, you would have had the benefit of the -- 21 A. Yes, sir. 22 Q. -- transcript as well? 23 A. Yes, sir. 24 Q. The 5/16. 25 Let's go through the arrest report, and I</p>	<p style="text-align: right;">Page 101</p> <p>1 and presents us that information. 2 Q. And that was my next question. Why would 3 it have not been Sergeant Crumrine? 4 A. Because Sergeant Crumrine would have been 5 involved. 6 Q. Okay. So let's go down to the fourth 7 paragraph. "Security guards from the Venetian 8 Hotel responded and attempted to take Farmer into 9 custody. Officer Lopera then performed the lateral 10 vascular neck restraint, LVNR" -- 11 (Court reporter requested clarification.) 12 MR. McNUTT: I'm sorry. "Officer Lopera 13 then performed the lateral vascular neck restraint 14 and rendered Farmer unconscious." 15 Q. Do you see that? 16 A. Yes, sir. 17 Q. Why did you put that he -- utilize the 18 phrase "lateral vascular neck restraint" at this 19 point in the arrest report? 20 A. Because that's the information that 21 Sergeant Abdal-Karim gave to us. 22 Q. So the bottom paragraph, "Detectives with 23 FIT then assume investigative responsibility." 24 At that point, that's your scene? 25 A. Yes, sir.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 102</p> <p>1 Q. Does everybody else -- what do you do at 2 that point, once you take over a scene? 3 A. Basically at that point we've learned who 4 our witnesses are, so other members of my team 5 began interviewing witnesses. And that's when I 6 basically took over controlling the scene, along 7 with CSI, or the crime scene investigators. 8 Q. Did you formulate any opinions that 9 night, 5/14/17, as to whether Officer Lopera 10 utilized an LVNR, or a rear naked choke, or some 11 other neck restraint? 12 MR. SAYRE: Compound question. 13 BY MR. McNUTT: 14 Q. Yes, do you understand my question? 15 A. Well, upon watching the video -- how much 16 of the video -- or the body-worn camera, we knew 17 that some type of neck restraint was attempted or 18 used; but as far as what that restraint was, no, 19 that was over the next few days. 20 Q. Do you remember the names of any of the 21 security guards for the Venetian? 22 A. I know the -- I don't know them off the 23 top of my head. 24 Q. There was a gentleman named Officer 25 Infantino. Does that ring any bells?</p>	<p style="text-align: right;">Page 104</p> <p>1 just him, his body in general? 2 A. In the head area, yes. 3 Q. Security guard Infantino testified that 4 he thought the strikes connected more along 5 Tashii Farmer's shoulder area. Do you disagree 6 with that? 7 A. Based on what I observed and the evidence 8 present, yes. 9 Q. Let's look at page 5 of 8 of the arrest 10 report. 11 Do you see at -- so at 3:01 12 Sergeant Crumrine is clearly there at that point. 13 "Sergeant Crumrine arrived and stated, 'Put your 14 hands behind your back.'" 15 At 3:13, "Officer Lopera asks," quote, 16 "Is he out yet," end quote. You see that? 17 A. Yes, sir. 18 Q. And you put that in quotes because you 19 heard that on the video? 20 A. Yes. 21 Q. Does that indicate to you that Officer 22 Lopera does not know the status of Tashii Farmer? 23 A. Yes, sir. 24 Q. When you're training in the LVNR, do you 25 have anybody indicating to you the status of --</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Sounds familiar. 2 Q. Did you interview him at all? 3 A. I did not. 4 Q. If Officer Lopera was in fear for his 5 life, could he use an unauthorized neck 6 restraint? 7 A. Yes. 8 Q. If he was in fear for his life, could he 9 utilize an ECD device outside of Department 10 policy? 11 A. Yes. 12 Q. Could he utilize hand strikes outside the 13 Department policy? 14 A. Yes. 15 Q. Are you aware -- can you tell from the 16 video whether or not any of the hand strikes landed 17 on Mr. Farmer -- Mr. Farmer's head? 18 A. Yes. 19 Q. How many? Do you know how many? 20 A. Ten to twelve. I don't know the specific 21 number, because of just when you slow things down 22 and angles and how the video works, but at one 23 point we counted 10, at one point we counted 12. 24 Q. And your testimony is you could see those 25 hand strikes connect with his head as opposed to</p>	<p style="text-align: right;">Page 105</p> <p>1 well, let me back up. 2 When you trained with the LVNR, do you 3 actually put each other out? 4 A. Not intentionally. 5 Q. But it does happen occasionally? 6 A. Yes, sir. 7 Q. Is there a coach or instructor there to 8 monitor those types of situations? 9 A. Yes, sir. 10 Q. Isn't it true that the person employing 11 the LVNR often doesn't know the status of the 12 suspect -- 13 A. Yes. 14 Q. -- or the person around which is being 15 deployed to -- deployed on? 16 A. Yes. 17 Q. At 3:18, "Officer Lopera asks, 'Is he out 18 yet,'" quote, end quote. See that? 19 A. Yes, sir. 20 Q. And you put that in your report because 21 that was a direct quote you heard off the video; 22 correct? 23 A. Yes, sir. 24 Q. Does that indicate to you that Officer 25 Lopera did not know the status of Tashii Farmer?</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 106</p> <p>1 A. Yes, sir.</p> <p>2 Q. Meaning he did not know whether he was or</p> <p>3 was not conscious?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Do you have any reason to believe that</p> <p>6 from 3:01 to 3:18, Tashii Farmer was not resisting?</p> <p>7 Can you tell from the video whether he is or is</p> <p>8 not? Can you tell what Officer Lopera is</p> <p>9 perceiving?</p> <p>10 A. No, sir.</p> <p>11 Q. At 3:19, "Officer Lopera asks again,"</p> <p>12 quote, "Is he out yet," end quote. See that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And again, that's a quote you took from</p> <p>15 the video; correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And does that indicate to you that again,</p> <p>18 or still, Officer Lopera does not know whether</p> <p>19 Tashii Farmer is or is not conscious; correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Then at 3:25, "Officer Tran arrives and</p> <p>22 says -- and said, 'Let him go, Ken.'"</p> <p>23 And separate and apart from whether</p> <p>24 that's Officer Tran or Crumrine, again, that's a</p> <p>25 quote -- "Let him go, Ken," is a quote that you</p>	<p style="text-align: right;">Page 108</p> <p>1 A. Yes.</p> <p>2 Q. Why?</p> <p>3 A. We only get involved if it results in</p> <p>4 substantial bodily injury or death. So if the end</p> <p>5 result is death, it's not going to matter the hold</p> <p>6 that was used, but it's going to be our job to</p> <p>7 investigate it.</p> <p>8 Q. Okay. Are Metro police officers required</p> <p>9 to, or obligated to perform their duties with</p> <p>10 perfection?</p> <p>11 A. No.</p> <p>12 Q. That's a standard that's unattainable;</p> <p>13 correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Not every shot fired out of a gun from</p> <p>16 Metro hits the mark, does it?</p> <p>17 A. No.</p> <p>18 MR. SAYRE: I didn't know this was a</p> <p>19 shooting case.</p> <p>20 BY MR. McNUTT:</p> <p>21 Q. Not every fist strike hits the mark, does</p> <p>22 it?</p> <p>23 A. No.</p> <p>24 Q. Not every ECD Taser works correctly, does</p> <p>25 it?</p>
<p style="text-align: right;">Page 107</p> <p>1 heard off the video; correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Officer Lopera asks one second later,</p> <p>4 "Are you sure," quote. See that?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Does that indicate to you that this is</p> <p>7 probably the first time that Officer Lopera</p> <p>8 understands that he is free to release the hold?</p> <p>9 A. Yes.</p> <p>10 Q. Is him releasing the hold at that point</p> <p>11 unreasonable? Let me ask a different way.</p> <p>12 If Officer Lopera, in fact, held whatever</p> <p>13 kind of neck restraint -- an LVNR, rear naked</p> <p>14 choke -- up until he was told to let him go, is</p> <p>15 that reasonable up until that point?</p> <p>16 A. In terms of a hold, yes.</p> <p>17 Q. Yeah, just the hold, that's all we're</p> <p>18 talking about.</p> <p>19 You testified that it was the totality of</p> <p>20 the circumstances, the use of the Taser, the hand</p> <p>21 strikes, the hold, et cetera.</p> <p>22 And I am asking you a hypothetical. If</p> <p>23 we took away the ECD use and the hand strikes, if</p> <p>24 it was just this hold, would you care whether it</p> <p>25 was an LVNR or an RNC, a rear naked choke?</p>	<p style="text-align: right;">Page 109</p> <p>1 A. No.</p> <p>2 Q. When you're training at Metro, use of</p> <p>3 force, the LVNR, do people refer to it as the LVNR</p> <p>4 or the lateral vascular neck restraint or do they</p> <p>5 refer to it as something else?</p> <p>6 A. They usually -- I would say probably</p> <p>7 98 percent of the time it's LVNR or lateral</p> <p>8 vascular neck restraint.</p> <p>9 Q. No one says, We're going to train in neck</p> <p>10 restraints today?</p> <p>11 A. No, not that I'm familiar with.</p> <p>12 Q. No one says, We're going to work on choke</p> <p>13 holds today?</p> <p>14 A. No.</p> <p>15 Q. Would you agree with me that LVNR doesn't</p> <p>16 exactly roll off the tongue?</p> <p>17 MR. SAYRE: What does that mean?</p> <p>18 THE WITNESS: I would disagree with that.</p> <p>19 BY MR. McNUTT:</p> <p>20 Q. It's an easy phrase to say?</p> <p>21 A. I believe so.</p> <p>22 Q. Okay. After an officer's been involved</p> <p>23 in a life-threatening encounter, do you think the</p> <p>24 use of the phrase, "I choked him out," should</p> <p>25 confirm liability as opposed to using the proper</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 110</p> <p>1 tech- -- you know, phrase of lateral vascular neck 2 restraint? 3 MR. SAYRE: Incomplete -- 4 THE WITNESS: This is my opinion; right? 5 BY MR. McNUTT: 6 Q. Yeah, of course. 7 A. I would say that I would expect most 8 officers revert to LVNR, due to the fact that 9 that's how we're trained from day one in the 10 academy. 11 Q. But if he used the phrase, I tased him, 12 which is also shorthand, he didn't say, I deployed 13 my ECD; correct? Is that incorrect? 14 A. Well, technically, now, yes, it is. 15 When they were first in use, they were 16 called Tasers. And now they're specifically 17 referred to as ECDs. 18 The LVNR has always been the LVNR. 19 Q. Let's go back to page 5 of 8. 3:26, 20 "Officer Lopera asks, 'Are you sure?'" 21 "Officer Tran replies 'Yeah.'" 22 Again, those are quotes from the video; 23 correct? 24 A. Yes. 25 Q. And at that point, the hold was released</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Let's go to the next page, 638. And you 2 have a quote. It ends with, "then I rear-mounted 3 him and choked him out." 4 Again, you don't know what Officer Lopera 5 meant by that, whether he would intend to say he 6 used an LVNR or some other technique? 7 A. No. 8 Q. Same question for the "so I tased him and 9 choked him out," at 7:02. You see that? 10 A. Yes. 11 Q. You don't know what Officer Lopera meant 12 by that; correct? 13 A. No. 14 Q. At 7:41, Officer Lopera tells another 15 officer, "I tased him, fought a little bit, and 16 choked him out." And, again, you don't know what 17 Officer Lopera meant by that; correct? 18 A. No. 19 Q. Did you ever attempt to ask Officer 20 Lopera what he meant by that? 21 A. We went through his attorney to ask him 22 if he would give us a statement and he refused. 23 Q. Okay. And did you -- were you 24 participating in the walk-through? 25 A. Yes.</p>
<p style="text-align: right;">Page 111</p> <p>1 and they commenced to cuff him. Well, actually, 2 the hold was not released, but that's the point 3 where they rolled him on his side to put him in 4 handcuffs? 5 A. Yes. 6 Q. Okay. 7 A. Shortly after that. 8 Q. Okay. Let's go to page 6 of 8. 9 Actually, I'm sorry, stay on the -- stay on that 10 page. 11 At the bottom, 503, the last sentence, 12 "Farmer attempted to pull the ECD wires out and 13 Officer Lopera said," quote, "I choked him out." 14 See that? 15 A. Yes, sir. 16 Q. Can you tell from that statement whether 17 Officer Lopera meant he utilized an LVNR to choke 18 him out or whether he used some other neck 19 restraint to choke him out? 20 A. No, sir. 21 Q. You would agree with me that it could be 22 either? 23 A. I would just say that his statement was, 24 "I choked him out." I don't know what he meant by 25 that.</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. You personally were there? 2 A. Yes. 3 Q. Did you ask any questions of him before 4 the LVMPD attorney stopped the walk-through? 5 A. We asked questions -- in the beginning we 6 asked if we were going to be allowed to ask certain 7 questions. And we were told that the walk-through 8 would be led by the attorney and that they would 9 not answer any questions. 10 Q. And so when it's led by the attorney, was 11 anybody speaking or was Ken Lopera talking? 12 A. He didn't. 13 Q. 7:41, "I tased him, fought a little bit, 14 choked him out," again, you don't know what he 15 meant by that. 16 9:34, "Officer Lopera tells Officer Lif," 17 quote, "I started punching him, rear-naked his 18 ass. He went out," end quote. 19 And again, that was something you heard 20 from the video? 21 A. Yes, sir. 22 Q. And you don't know what Officer Lopera 23 meant by that statement; correct? 24 A. No. 25 Q. 11:25, "Officer Rybacki" -- do you know</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 114</p> <p>1 him or her?</p> <p>2 A. I know who he is. I don't know him</p> <p>3 personally.</p> <p>4 Q. -- okay -- "approached Officers Tran and</p> <p>5 Flores. One of the officers stated, 'He was out</p> <p>6 when we got here,' referring to Farmer. Officer</p> <p>7 Rybacki responded, 'Oh, he was definitely on</p> <p>8 something,'" quote.</p> <p>9 Because that's in quotes, can we infer</p> <p>10 that you heard that directly from the video?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And did you ever talk to Officer Rybacki</p> <p>13 about whey he said that?</p> <p>14 A. I did not speak to Officer Rybacki.</p> <p>15 Q. Why not?</p> <p>16 A. He was interviewed by somebody else.</p> <p>17 Q. Are you familiar with what he was</p> <p>18 interviewed about?</p> <p>19 A. The interview was conducted immediately</p> <p>20 after the incident. And as we started going</p> <p>21 through the body cam, that was several days that we</p> <p>22 went through to pull stuff out, so that was -- this</p> <p>23 information was gleaned after his interview.</p> <p>24 Q. Did he ever expand on his statement, "Oh,</p> <p>25 he was definitely on something"?</p>	<p style="text-align: right;">Page 116</p> <p>1 observation that it was not an LVNR.</p> <p>2 Q. But you don't say it's not an LVNR. You</p> <p>3 say it's a choke hold. And a choke hold is a</p> <p>4 pretty generic term; isn't that true?</p> <p>5 MR. SAYRE: Objection, vague and</p> <p>6 ambiguous as to what is meant by generic term.</p> <p>7 THE WITNESS: I would say that a choke</p> <p>8 hold could mean a number of different things.</p> <p>9 BY MR. McNUTT:</p> <p>10 Q. Right.</p> <p>11 A. And I don't know that there's specific</p> <p>12 terms for the different things that would choke a</p> <p>13 person.</p> <p>14 Q. What did the coroner say was the cause of</p> <p>15 death?</p> <p>16 A. Asphyxiation due to police restraint.</p> <p>17 Q. Why didn't you say police restraint?</p> <p>18 A. That was not an approved police</p> <p>19 restraint. Based on observations from the video,</p> <p>20 that was -- the only neck restraint that we are</p> <p>21 taught is an LVNR. And based on observations from</p> <p>22 the video, it did not appear to us that that was a</p> <p>23 proper LVNR, or an LVNR.</p> <p>24 Q. So tell me how you know it's not a -- it</p> <p>25 was not just an incomplete attempt to employ the</p>
<p style="text-align: right;">Page 115</p> <p>1 A. No.</p> <p>2 Q. Do you have an understanding of what that</p> <p>3 means?</p> <p>4 A. In general?</p> <p>5 Q. Yes.</p> <p>6 A. That the person is -- a person could be</p> <p>7 on some type of medication, narcotic, it could mean</p> <p>8 a number of different things.</p> <p>9 Q. And we get down a couple more lines, it's</p> <p>10 0057.03. And that's a time, that's not the --</p> <p>11 right? That's 56 minutes after midnight. Is that</p> <p>12 what we're looking at, 56.40 to --</p> <p>13 A. This is the time --</p> <p>14 Q. -- 57 --</p> <p>15 A. Sorry. This would be the time stamp</p> <p>16 according to the video -- the Venetian video.</p> <p>17 Q. Right. Okay. So at 57:03, it says,</p> <p>18 "Officer Lopera held Farmer in a choke hold." Do</p> <p>19 you see that?</p> <p>20 A. Yes.</p> <p>21 Q. You wrote that; correct?</p> <p>22 A. I did.</p> <p>23 Q. Why did you not say neck restraint?</p> <p>24 A. That would have just been based on</p> <p>25 information that we had from the coroner, and our</p>	<p style="text-align: right;">Page 117</p> <p>1 LVNR technique? How -- can you tell that?</p> <p>2 A. Well, the hand placement wasn't</p> <p>3 correct.</p> <p>4 Q. Right. But what if he just messed up and</p> <p>5 he didn't get the hand placement because he</p> <p>6 couldn't get the hand placement correct?</p> <p>7 A. We didn't get a statement from him, so we</p> <p>8 don't know.</p> <p>9 Q. Yeah, that's where I'm going with that.</p> <p>10 You know, is the LVNR -- it's only an LVNR if it's</p> <p>11 perfectly employed each and every time? That's</p> <p>12 what I'm trying to understand.</p> <p>13 A. Well, based on the conversation with the</p> <p>14 coroner is that if an LVNR is completed or is</p> <p>15 placed correctly, and based on -- same as I've</p> <p>16 heard from training staff, if an LVNR is placed</p> <p>17 completely, you're not going to have the damage in</p> <p>18 the neck area, because that's not where the</p> <p>19 pressure is being placed. The pressure is being</p> <p>20 placed on the artery area and not the</p> <p>21 trachea/windpipe/esophagus area.</p> <p>22 Q. What if the suspect is resisting and</p> <p>23 moving around, isn't it possible that the trachea</p> <p>24 area moves within the crease of the elbow?</p> <p>25 A. Well, from my understanding is part of</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 118</p> <p>1 the purpose of the LVNR and the placement in the</p> <p>2 crook of the elbow is so that even if there is</p> <p>3 slight movement, it's still not going to cut off</p> <p>4 air circulation or air movement.</p> <p>5 Q. So that's good for slight movement, but</p> <p>6 what if there's a lot of movement? Depends how big</p> <p>7 the elbow --</p> <p>8 A. I could not --</p> <p>9 Q. -- area is; right?</p> <p>10 A. I couldn't answer that.</p> <p>11 MR. SAYRE: Incomplete hypothetical.</p> <p>12 BY MR. McNUTT:</p> <p>13 Q. So let's go to 7 of 8. At the bottom,</p> <p>14 the last paragraph, "After striking Farmer in the</p> <p>15 head, Officer Lopera performed what he described as</p> <p>16 a," quote, "rear naked choke," end quote.</p> <p>17 Can you show me or tell me where</p> <p>18 Officer Lopera described what he did as a "rear</p> <p>19 naked choke"?</p> <p>20 A. That's going to be based on the</p> <p>21 statements he made that were on body cam.</p> <p>22 Q. Okay. So all those statements said, "I</p> <p>23 choked him out," with the exception of one, where</p> <p>24 he said, "I rear nakeded his ass"; is that -- do</p> <p>25 you agree with that? I mean, those are the</p>	<p style="text-align: right;">Page 120</p> <p>1 choke"?</p> <p>2 A. That would be based on his statements on</p> <p>3 the body cam.</p> <p>4 Q. And that was strictly the rear nakeded</p> <p>5 his ass." Are there any others one?</p> <p>6 A. The rear nakeded his ass" and "choked him</p> <p>7 out."</p> <p>8 Q. But even you used the phrase "choke</p> <p>9 hold"; isn't that --</p> <p>10 MR. SAYRE: Objection, argumentative.</p> <p>11 BY MR. McNUTT:</p> <p>12 Q. I'm not being argumentative with you.</p> <p>13 A. I don't understand what your question is.</p> <p>14 Q. You used the phrase in the report, "choke</p> <p>15 hold."</p> <p>16 A. Uh-huh.</p> <p>17 Q. So is anytime someone uses the phrase</p> <p>18 "choke hold," does that automatically mean "rear</p> <p>19 naked choke"?</p> <p>20 A. No.</p> <p>21 Q. You say, "Officer Lopera held the rear</p> <p>22 naked choke for one minute and 13 seconds."</p> <p>23 Do you know how much pressure, if any, he</p> <p>24 was utilizing for that one minute and 13 seconds?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 119</p> <p>1 statements we just went through?</p> <p>2 A. Correct.</p> <p>3 Q. So -- but because he said, "I," quote,</p> <p>4 rear nakeded his ass," that's where you put in</p> <p>5 quotes that it was a "rear naked choke," you drew</p> <p>6 from that?</p> <p>7 A. Correct.</p> <p>8 Q. So that's not a quote that Officer Lopera</p> <p>9 utilized. That's what you're saying it was and</p> <p>10 that's why you're putting it in quotes?</p> <p>11 A. Correct.</p> <p>12 Q. And the same goes for a couple lines</p> <p>13 later, you do it again. "Officer Lopera held the,"</p> <p>14 quote, "rear naked choke," end quote, "for one</p> <p>15 minute and 13 seconds. Officer Lopera also held</p> <p>16 the," quote, "rear naked choke" for 44 seconds."</p> <p>17 Do you see that?</p> <p>18 A. Correct.</p> <p>19 Q. And so that's you determining that it was</p> <p>20 a rear naked choke; not Officer Lopera having made</p> <p>21 a statement that "I admit it was a rear naked</p> <p>22 choke"; correct?</p> <p>23 A. I didn't make a determination on what the</p> <p>24 hold was.</p> <p>25 Q. Then why does it say "rear naked</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. So you don't know if he had a little bit</p> <p>2 of pressure, a lot of pressure, or no pressure;</p> <p>3 correct?</p> <p>4 A. The only thing I know is there is enough</p> <p>5 pressure to create damage inside the neck area.</p> <p>6 Q. So the answer is "No," you don't know if</p> <p>7 it's a little pressure, a lot of pressure, or no</p> <p>8 pressure; correct?</p> <p>9 A. No.</p> <p>10 Q. You don't know if Mr. Farmer is easy to</p> <p>11 bruise or hard to bruise, do you?</p> <p>12 A. No.</p> <p>13 Q. "Officer Lopera also held the rear naked</p> <p>14 choke for 44 seconds after being told to let go by</p> <p>15 Officer Tran."</p> <p>16 Can you expand on that? Do you mean he</p> <p>17 had the hold in place or are you trying to say he</p> <p>18 was putting pressure on Mr. Farmer as well?</p> <p>19 A. The hold was in place.</p> <p>20 Q. So you don't know if he had any pressure</p> <p>21 on Mr. Farmer at that point?</p> <p>22 A. I don't.</p> <p>23 Q. Okay. So on the last page, 8 of 8, the</p> <p>24 second paragraph, next-to-last sentence, it says,</p> <p>25 "Officer Lopera referred to the restraint as a,"</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 122</p> <p>1 quote, "rear naked choke," end quote. 2 Why is that "rear naked choke" in quotes? 3 A. The only way that I can answer that is a 4 misuse of the quotation marks by me. 5 Q. Okay. Because that wasn't a quote by 6 Officer Lopera; correct? 7 A. No. 8 Q. Any other misuses of the quotation marks 9 that we've reviewed? 10 A. No. Well, besides what we've gone over, 11 where the "rear naked choke" was in quotes -- 12 Q. Uh-huh? 13 A. -- no. 14 MR. McNUTT: Let's take a break. 15 THE WITNESS: Sure. 16 THE VIDEOGRAPHER: Off the record at 17 12:52 p.m. 18 (Break taken.) 19 THE VIDEOGRAPHER: Back on the record. 20 The time is 12:59 p.m. 21 BY MR. McNUTT: 22 Q. Detective Alsup, I just have a few final 23 questions. 24 But what did you do to become familiar 25 with the rear naked choke technique, if anything?</p>	<p style="text-align: right;">Page 124</p> <p>1 A. No. 2 Q. Why not? 3 A. I don't understand the question. 4 Q. Why did you not -- did it not come up or 5 not part of your investigation? 6 A. Well, the only thing that I can remember 7 specifically with the coroner is she asked the 8 details of the call. So we told her that a neck 9 restraint was used, but as far as specifically 10 LVNR, rear naked choke, no, it was never said with 11 her. 12 Q. So you simply told the coroner that some 13 type of neck restraint was employed? 14 A. Yes, sir. 15 Q. Are you-all allowed to modify the LVNR 16 in -- the LVNR technique if, for example, the 17 suspect is utilizing his head to head-butt the 18 officer? 19 A. Well, that's the reason why pressure is 20 placed with the head is to control the head, that 21 way you don't have that movement. 22 Q. So do you know whether or not you would 23 be allowed to modify the position of the other hand 24 to prevent you from getting head-butted? 25 A. I've never been taught that.</p>
<p style="text-align: right;">Page 123</p> <p>1 A. Talked to training officers on the 2 department. 3 Q. Anyone in particular? 4 A. Just whoever was on training staff at 5 that time. Off the top of my head, I don't 6 remember names. 7 Q. Was it Sergeant Bland? 8 A. He was actually -- right after this 9 incident, there were discussions with training 10 staff, and I know that at one point he was in the 11 room while this was being discussed. 12 Q. He was in the room? 13 A. Yes, sir. 14 Q. What's your understanding of how the rear 15 naked choke is applied? 16 A. One arm encircles the neck and the other 17 arm, you secure it. You secure the hold with your 18 arm and your other hand and then pressure is placed 19 on the back of the head. 20 Q. The encircling arm is employed the same 21 way as the LVNR though? 22 A. Correct. 23 Q. Did you discuss different neck restraints 24 with the coroner, like the LVNR or the rear naked 25 choke?</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. If you were in fear for your life, would 2 you be allowed to modify that? 3 A. Yes. 4 Q. Do you know if Tashii Farmer resisted 5 Officer Lopera? 6 A. Do I know if he did? 7 Q. Yes, from watching the videos and your 8 investigation? 9 A. It did not appear so. 10 Q. Did the coroner watch any of the 11 videos? 12 A. She was given everything that we -- she 13 was given all the video that we had. 14 Q. Do you know if she watched them though? 15 A. I don't know. 16 Q. Did you talk to the coroner at all about 17 Mr. Farmer's enlarged heart? 18 A. Yes, it was part of her findings. 19 Q. And what do you understand to be her 20 findings with respect to his heart? 21 A. I didn't speak to her specifically about 22 it. I guess what I should have said was I saw that 23 in the autopsy report. So my talking to her was 24 during the autopsy, and then her autopsy report 25 comes to our office once it's finished.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 126</p> <p>1 Q. Do you have an understanding of what</p> <p>2 causes an enlarged heart?</p> <p>3 A. I'm sure there's several factors.</p> <p>4 Q. Like what?</p> <p>5 A. I don't know specifically.</p> <p>6 MR. SAYRE: Objection, lack of</p> <p>7 foundation. Medical.</p> <p>8 BY MR. McNUTT:</p> <p>9 Q. I'm sorry, I didn't hear.</p> <p>10 A. I don't know specifically.</p> <p>11 Q. When you said, I'm sure there's several</p> <p>12 factors, I thought you knew some of those</p> <p>13 factors?</p> <p>14 A. I -- no.</p> <p>15 Q. Did you discuss with the coroner whether</p> <p>16 or not Tashii Farmer had drugs in his system?</p> <p>17 A. I know that he did, based on the</p> <p>18 toxicology results.</p> <p>19 Q. But you didn't discuss that with the</p> <p>20 coroner?</p> <p>21 A. No.</p> <p>22 Q. Did the coroner indicate that there was</p> <p>23 anything other than the police restraint that</p> <p>24 caused the death?</p> <p>25 A. I believe she listed mitigating factor of</p>	<p style="text-align: right;">Page 128</p> <p>1 circumstances, it was not reasonable to employ a</p> <p>2 lateral vascular neck restraint?</p> <p>3 A. I think the question was actually worded</p> <p>4 a little bit different.</p> <p>5 Q. Sure.</p> <p>6 A. It's my belief that an LVNR, or any other</p> <p>7 type of hold, would not have been reasonable in</p> <p>8 this situation.</p> <p>9 Q. In looking at page 5 of 8, Lopera, as was</p> <p>10 pointed out to you, says at 3:13, "Is he out yet?"</p> <p>11 Again at 3:18, he says, "Is he out yet?" 3:19, "Is</p> <p>12 he out yet?"</p> <p>13 And then at 3:25, it says, "Officer Tran</p> <p>14 arrived and says, "Let him go, Ken."</p> <p>15 Did you understand that to mean he was</p> <p>16 out?</p> <p>17 MR. McNUTT: Objection, form.</p> <p>18 MR. ANDERSON: Join.</p> <p>19 THE WITNESS: When it says, "Let him go,</p> <p>20 Ken"?</p> <p>21 BY MR. SAYRE:</p> <p>22 Q. Yeah.</p> <p>23 A. I take that to mean that he's no longer</p> <p>24 considered a threat, or it could mean a number of</p> <p>25 different things.</p>
<p style="text-align: right;">Page 127</p> <p>1 the enlarged heart. And I think there might have</p> <p>2 been something else, but without looking at the</p> <p>3 report I don't remember off the top of my head.</p> <p>4 MR. McNUTT: Okay. I have no further</p> <p>5 questions.</p> <p>6 FURTHER EXAMINATION</p> <p>7 BY MR. SAYRE:</p> <p>8 Q. When you read or heard the statement</p> <p>9 that, "I rear nakeded his ass," did you just take</p> <p>10 that to mean that it was sort of a vulgar way of</p> <p>11 saying that he used the rear naked choke?</p> <p>12 A. Yes, sir.</p> <p>13 Q. There's no way, in your mind, that rear</p> <p>14 nakeding his ass" could have anything to do with</p> <p>15 the lateral vascular neck restraint?</p> <p>16 MR. McNUTT: Objection to form.</p> <p>17 THE WITNESS: No, sir.</p> <p>18 BY MR. SAYRE:</p> <p>19 Q. You said that it was reasonable to employ</p> <p>20 a lateral vascular neck restraint up until 3:25,</p> <p>21 when they said -- or 3:26, when they said, "Let him</p> <p>22 go," and then at 3:26, "Are you sure," and they</p> <p>23 said "Yeah."</p> <p>24 I thought you said it wasn't in these</p> <p>25 circumstance -- given the totality of the</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. Okay. Now --</p> <p>2 A. For whatever reason, I just -- another</p> <p>3 officer telling him to "Let him go." What that</p> <p>4 observation was, I have no idea.</p> <p>5 Q. All right. Now, you said that, if I</p> <p>6 understood correctly, the person applying the LVNR</p> <p>7 often doesn't know the status of the person who</p> <p>8 he's applying the LVNR to, meaning he doesn't know</p> <p>9 if the person is conscious or unconscious;</p> <p>10 correct?</p> <p>11 A. And I guess I could follow that up.</p> <p>12 Q. You nodded your head "Yes," but --</p> <p>13 A. I can follow that up a little bit.</p> <p>14 Q. Okay. Is that a "yes," first of all?</p> <p>15 A. That I said that?</p> <p>16 Q. Yeah.</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 A. Obviously, you're going to know whether</p> <p>20 or not that person is still resisting you.</p> <p>21 But when that person decides to stop the</p> <p>22 resistance, I guess he could just be complying at</p> <p>23 that point; or it could be because he has been</p> <p>24 rendered unconscious. And I don't really --</p> <p>25 having -- there's so much speculation here.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 130</p> <p>1 Whether or not that person just began to comply or 2 they went unconscious for a couple of moments, the 3 officer is not going to know which one it is. 4 Q. Sure. And obviously from 3:13 through 5 3:19, Officer Lopera was questioning whether he was 6 unconscious? 7 A. Yes. 8 Q. And nobody ever answered him? 9 A. Correct. 10 Q. So would it be fair to say that one of 11 the dangers of applying a lateral vascular neck 12 restraint is that you may be continuing to apply it 13 after somebody has gone unconscious? 14 A. The way we were taught is that once the 15 resistance stops, you release pressure. 16 Q. My question is a little broader than 17 that. Isn't it correct that one of the potential 18 dangers of applying a lateral vascular neck 19 restraint is that you may be continuing to apply 20 neck pressure after a person has gone unconscious 21 and you don't know it? 22 A. I think the officer should realize that. 23 Whether it be because the person becomes compliant 24 or because they have been rendered unconscious, 25 you're going to know that they have begun to comply</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. McNUTT: Objection, form. 2 MR. ANDERSON: Join. 3 THE WITNESS: Well, I don't know that 4 that pressure -- it's -- the coroner said that it 5 wasn't from a restriction of blood flow, but it was 6 from asphyxiation. So that leads me to believe 7 that it was an improperly applied -- if it was 8 supposed to be an LVNR, it was improperly applied; 9 and it didn't restrict the blood flow, it was the 10 airflow. 11 BY MR. SAYRE: 12 Q. Well, if it was improperly applied, that 13 would be negligent on the part of Officer Lopera, 14 wouldn't it? 15 MR. McNUTT: Objection to form. 16 THE WITNESS: I believe so. 17 BY MR. SAYRE: 18 Q. Okay. And whatever hold he utilized, 19 whether it was an improperly applied LVNR or a rear 20 naked choke or something else, that hold killed 21 Tashii Farmer? 22 MR. McNUTT: Objection, form. 23 MR. ANDERSON: Join. 24 THE WITNESS: According to the coroner, 25 it was asphyxiation.</p>
<p style="text-align: right;">Page 131</p> <p>1 with the instructions; therefore, you're supposed 2 to loosen the pressure. 3 Q. I understand that, but isn't it fair to 4 say that for at least six seconds there, Lopera is 5 asking somebody around there to tell him whether 6 Tashii Farmer had gone unconscious? 7 A. I would say that for whatever reason, 8 it's speculation Officer Lopera did not realize 9 what was happening. 10 Q. And one of the dangers of using a lateral 11 vascular neck restraint is that if you continue to 12 apply it after somebody's gone unconscious, it can 13 kill that person if you maintain it long enough? 14 A. I would have to look at studies. I know 15 that all that -- I know from the LVNR and the 16 training we received that it's supposed to restrict 17 blood flow, not the airflow. I don't know how long 18 it would take to potentially kill a person with a 19 properly applied LVNR; that's not my expertise. I 20 don't know. 21 Q. Sure. I understand. 22 One thing that it seems to be clear is 23 that enough pressure was applied from whatever type 24 of hold -- neck hold was applied -- that it killed 25 Tashii Farmer?</p>	<p style="text-align: right;">Page 133</p> <p>1 BY MR. SAYRE: 2 Q. Isn't that death? 3 A. Yes. 4 Q. So the hold applied by Officer Lopera 5 killed Tashii Farmer? 6 A. Yes. 7 Q. So however much pressure he was applying 8 from 2:58 to 4:11, resulted in the death of 9 Tashii Farmer? 10 A. Yes. 11 MR. McNUTT: I have one follow-up. 12 FURTHER EXAMINATION 13 BY MR. McNUTT: 14 Q. At the time of the incident, was the use 15 of the LVNR -- what level of force was it 16 authorized for -- to be used in? 17 A. I knew this question was coming, and 18 you're going to have to apologize, because I'm 19 actually -- 20 Q. You knew it was coming, but I have to 21 apologize? 22 A. No, I'm apologizing. 23 Q. Oh. 24 A. I said I apologize. 25 Q. Oh.</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

<p style="text-align: right;">Page 134</p> <p>1 A. 3 through 5, so --</p> <p>2 Q. I'm sorry, I don't understand the</p> <p>3 response, "3 through 5."</p> <p>4 A. So the use-of-force scale is -- it's a</p> <p>5 ascending and descending scale. So you start out,</p> <p>6 your lowest part is the lowest level of force,</p> <p>7 working your way up to deadly force.</p> <p>8 MR. McNUTT: I'm just going to hand you</p> <p>9 -- we can make this an exhibit, I just don't have</p> <p>10 an extra copy. It's the --</p> <p>11 MR. SAYRE: You want him to learn how to</p> <p>12 answer your question?</p> <p>13 MR. McNUTT: Well, I'm going to ask him</p> <p>14 to -- MR. SAYRE: Well, you want him to</p> <p>15 learn how to answer your question?</p> <p>16 MR. McNUTT: No, Fred. You mean like you</p> <p>17 were trying to educate him off record about</p> <p>18 Illinois v. Wardlow?</p> <p>19 MR. SAYRE: No, actually, he wasn't here.</p> <p>20 I was educating you about Illinois versus Wardlow.</p> <p>21 BY MR. McNUTT:</p> <p>22 Q. Have you ever seen that --</p> <p>23 MR. SAYRE: I didn't ask him any legal</p> <p>24 questions.</p> <p>25 MR. McNUTT: Fred, let's just --</p>	<p style="text-align: right;">Page 136</p> <p>1 So back to my original question: At the</p> <p>2 time of the incident, LVNR was authorized for low</p> <p>3 levels of force?</p> <p>4 A. Okay. Here's the problem with what</p> <p>5 you're -- how you're saying it.</p> <p>6 Q. Okay. Educate me.</p> <p>7 A. So for a compliant person, you ask them</p> <p>8 to do something, that person does it, that's</p> <p>9 compliance. And then based on their level of</p> <p>10 resistance is where things go.</p> <p>11 So at the time, LVNR could be used in the</p> <p>12 third step, which basically means that a person is</p> <p>13 displaying some type of resistance besides just,</p> <p>14 you know, Turn around and put your hands behind</p> <p>15 your back. No, I'm not going to do that. They're</p> <p>16 doing something else to make it a little more</p> <p>17 aggressive than that.</p> <p>18 So I can't just walk up to you and say,</p> <p>19 Sir, turn around and put your hands behind your</p> <p>20 back. You say, No, and just stand there, and I put</p> <p>21 you in LVNR.</p> <p>22 Q. Okay.</p> <p>23 A. There has to be some other form of</p> <p>24 resistance to make me think that you're a threat.</p> <p>25 Q. Fair enough. Thank you.</p>
<p style="text-align: right;">Page 135</p> <p>1 MR. SAYRE: All right.</p> <p>2 BY MR. McNUTT:</p> <p>3 Q. Have you ever seen that document</p> <p>4 before?</p> <p>5 A. Yes.</p> <p>6 Q. And what is it?</p> <p>7 A. It's an update to our policy manual --</p> <p>8 Q. Okay.</p> <p>9 A. -- regarding the LVNR.</p> <p>10 Q. Look at the last paragraph that I have</p> <p>11 yellow highlighted --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- you see that it says that they're --</p> <p>14 Metro is changing its policy, that the LVNR was</p> <p>15 previously authorized for a low-level force option.</p> <p>16 Does that refresh your recollection that</p> <p>17 it was allowed to be used for low levels of force?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know why Metro changed in</p> <p>20 September of 2017 to not allow the LVNR to be used</p> <p>21 for low levels of force?</p> <p>22 A. I can only -- I'm not involved in the</p> <p>23 policy-making of the Department.</p> <p>24 Q. Then the answer is "No," and that's fine.</p> <p>25 Okay. Thank you.</p>	<p style="text-align: right;">Page 137</p> <p>1 MR. SAYRE: I have no further questions.</p> <p>2 Shall we stipulate that the court</p> <p>3 reporter may be relieved of her statutory</p> <p>4 obligation. The deposition may be signed under</p> <p>5 penalty of perjury; thirty days to read, review,</p> <p>6 and make any changes or corrections, if any, and</p> <p>7 sign under penalty of perjury.</p> <p>8 The deposition transcript will be</p> <p>9 maintained by Mr. Anderson and produced for some</p> <p>10 reasonable purpose during the litigation or lodged</p> <p>11 with the court at the time of trial.</p> <p>12 And if not signed or corrections</p> <p>13 provided, certified copy may be used as if it were</p> <p>14 the original for all purposes.</p> <p>15 MR. ANDERSON: Agreed.</p> <p>16 MR. McNUTT: Fine with me.</p> <p>17 MR. SAYRE: All it means is she'll</p> <p>18 produce this deposition in about two weeks. She'll</p> <p>19 send it to Craig, he'll give it to review. And</p> <p>20 then if you want to, you can make any corrections</p> <p>21 and then sign it under penalty of perjury.</p> <p>22 THE WITNESS: Okay.</p> <p>23 THE VIDEOGRAPHER: This concludes today's</p> <p>24 deposition of Detective Trevor Alsup. The number</p> <p>25 of media used was two. We are off the record at</p>

DETECTIVE TREVOR ALSUP

June 15, 2018

Page 138

1 1:15 p.m.
 2 MR. ANDERSON: I'd like a regular, the
 3 mini. Paper, mini, and regular.
 4 MR. McNUTT: I'd like a condensed and a
 5 regular PDF. E-trans only.
 6 MR. SAYRE: Paper for my copy.
 7 (Whereupon the deposition was
 8 concluded at 1:16 p.m.)
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Page 139

1 RE: ESTATE OF TASHII S. FARMER v LVMPD, et al.
 2 CERTIFICATE OF DEPONENT
 3 PAGE LINE CHANGE REASON
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 17 * * * * *
 18 I, DETECTIVE TREVOR ALSUP, deponent
 19 herein, do hereby certify and declare under penalty
 20 of perjury the within and foregoing transcription
 21 to be my deposition in said action; that I have
 22 read, corrected, and do hereby affix my signature
 23 to said deposition.
 24
 25 _____
 DETECTIVE TREVOR ALSUP
 Deponent

Page 140

1 REPORTER'S CERTIFICATE
 2
 3 STATE OF NEVADA)
 4) ss.
 5 COUNTY OF CLARK)
 6
 7 I, KENDALL KING-HEATH, CCR No. 475, a
 8 Certified Court Reporter for the State of Nevada,
 9 do hereby certify:
 10 That I reported the taking of the
 11 deposition of the witness, DETECTIVE TREVOR ALSUP,
 12 commencing on the 15th day of June, 2018, at the
 13 hour of 10:12 a.m.
 14
 15 That prior to being examined, the witness
 16 was duly sworn by me to testify to the truth, the
 17 whole truth, and nothing but the truth.
 18
 19 That I thereafter transcribed my said
 20 shorthand notes into typewriting and that the
 21 typewritten transcript of said deposition is a
 22 complete, true and accurate transcription of my
 23 said shorthand notes taken down at said time, and
 24 that a request has been made to review the
 25 transcript.
 26
 27 I further certify that I am not a relative
 28 or employee of an attorney or counsel of any of the
 29 parties, nor a relative or employee of any attorney
 30 or counsel involved in said action, nor a person
 31 financially interested in the action.
 32
 33 IN WITNESS WHEREOF, I have hereunto
 34 set my signature this 2nd day of June, 2018.
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